1961 Vol. 9 No. 4

Cleveland-Marshall College of Law

Follow this and additional works at: https://engagedscholarship.csuohio.edu/lawpublications_gavel1960s

How does access to this work benefit you? Let us know!

Recommended Citation

https://engagedscholarship.csuohio.edu/lawpublications_gavel1960s/8

This Book is brought to you for free and open access by the The Gavel at EngagedScholarship@CSU. It has been accepted for inclusion in 1960s by an authorized administrator of EngagedScholarship@CSU. For more information, please contact library.es@csuohio.edu.
Morris - Martindale vie for Presidency

Robert J. Morris and John E. Martindale were nominated last week by the Junior Class as candidates for the presidency of the Student Congress. All of the classes, with the exception of the out-going Senior Class, will vote for one of the nominees during election week, the week beginning January 23.

Bob Morris (Junior Section A), a graduate of Xavier College, received a Bachelor's Degree in Mathematics from that school in 1955 and a Master's Degree in Education in 1956. He served for two years in the U.S. Army and is now employed as a math teacher by the Cleveland Public School System. In his senior year at Xavier University he was elected president of the Student Congress. During his three years at Cleveland-Marshall, Bob has maintained a 3.7 average and has been active in class affairs.

John E. Martindale (Junior Section B) graduated from Harvard College with an AB Degree, magna cum laude, in the field of government. He served for two years in the U.S. Army and is presently employed by the Travelers Insurance Company as an adjuster. John maintains a 3.9 average and during his three years at Cleveland-Marshall has been active in the Student Congress, Law Review, and Moot Court.

Oleck & Samore go to Philly


Final Feb 15

Both sections of the sophomore class will take the final examination in Business Organizations at 6:00 PM, Wednesday, February 15. Section A was previously scheduled to take the examination on February 13 and Section B was to have taken the final on February 10.

Although the change was made in order to allow a weekend between this examination and the Real Property final on February 7.

prof wanted

at SMU

Professor Howard L. Oleck has tentatively accepted an offer from Southern Methodist University to be a visiting professor during the summer session of 1961.

The summer term, a ten week session, runs from June to August.

Mr. Oleck commented that the S.M.U. Law School occupies three separate buildings on the University's campus in Dallas Texas and is one of the largest and most modern law schools in the country.

Cohen new partner

On January 1, Elliot C. Lawrence and Company, accountants and auditors, announced the admission to partnership of Ronald B. Cohen, C.P.A. (Senior Section B).

Mr. Cohen will be a resident partner in the offices at 2850 Euclid Avenue.
WORLD WAR III HAS ALREADY STARTED!
by Al Oberst

Whether we like it or not we are taking a losing part in World War III. Just as the free world watched as the Nazi machine plundered through Europe, so does a similar laches situation continue as the Communist World War blight affects the moral and physical well being of our world. With about sixty years of development, further supplemented with the Moscow, Tehran, Yalta and Potsdam conferences, the Communists have achieved an international enslavement carte blanche.

This whole revolting predicament is the result of that attitude which allows people to refuse to accept their moral responsibilities. This is a comfortable status quo which easily permits the Red's political and psychological venom to spread rampantly throughout the whole world.

Our answer does not rest in the apathetical program of waiting and watching - precluding the loss of World War III. But, our solution does rest in a more active unselfish participation in solving the world problems.

Letters to the Editor

EDITOR:
The words of Lincoln recently quoted in a leading law school newspaper, made this lawyer student cast aside his mantel of fear and dare to enter into written contest with the writer of an editorial which appeared in the December issue of the above mentioned newspaper.

"To sin by silence, when they should protest, makes cowards of men," said Lincoln. "So cowards fight when they can fly no farther," said a Shakespeare, named Will.

What motivates the students of Cleveland-Marshall? In no particular order the motivating forces are: Prestige, success and the pure desire to be a lawyer.

We Horatio Algers ask no quarter because we work, raise families, meet and conquer (sometimes) daily adversities, while at the same time trying to grasp and retain the complexities of the law.

We give no quarter to those who sermonize on the refinements of the law. The niceties are reserved for those who have adequate time to sit and philosophize over a single word or a phrase. Time cannot be manufactured for these things, so unfortunately they do not receive the attention they should. Cleveland-Marshall is definitely not a weak substitute for a Harvard-Yale or Michigan legal education. It is not a substitute by any stretch of the imagination. It is a completely different type of learning institution.

What student in honesty say, he would not get more out of three years of doing nothing but studying the law, as compared to trying to learn the law at night in four years and still maintain his occupational and family levels. The question answers itself.

Fate has not cheated some of us of getting the so-called Harvard type education. It has made it very difficult, but our school gives us the opportunity to make fate step aside. The Marshalls, Cardozes, Brandeises and Hands made the molds. The products of these molds can be equal regardless of the cut of the clothes or the shape of the haircut.

As to the other items referred to in Mr. Shaughnessy's editorial, I think they pertain to such a relatively small group of the student body that a defense is not warranted.

Regarding the concluding paragraph of the editor's article, "Cleveland-Marshall is a law school, not a trade school, not an extension of three years of doing nothing but studying the law, as compared to trying to learn the law at night in four years and still maintain his occupational and family levels. The question answers itself.

We Horatio Algers will not settle for droppings. We deserve a place at the table. We have worked as hard as any, and we're going to have to give you an F in arithmetic.

Richard J. Dunn
(Sophomore Section A)

As a loyal reader of the GAVEL, I have been exposed to a bit too much of the venomous pen of your editor, Thomas M. Shaughnessy. In the past two...

(Continued on page six)
The Election Forum

Under the election provisions in the revised Constitution adopted in 1960, annual nominations and elections for both the Presidency and the Student Class Representatives to the Student Congress will be held in January with the nominations made during the first full week of that month and the elections during the last full week of that month. This year, the GAVEL has opened its pages to the nominees and all of the nominees have been offered space to express their views on student government, to state their platform, and to make themselves known to the student body electorate. This is the election forum.

A Student Congress at an educational institution has one primary purpose. That purpose is to serve the student body. By giving voice to the individual student and by providing activities which enrich the educational experience sought, a student congress carries out its primary function. Service to the student is incidentally service to the administration, but a student congress which is a tool of an administration is not a student congress at all.

This candidate pledges support of this philosophy and more specifically advocates:
1) Continuance of open-house activities.
2) Discontinuance of student directories.

Robert J. Morris

It is difficult to formulate a platform or make election promises in relation to our Student Congress, in as much as its rights and powers are permissive. The ability of its president to carry out specific promises is thus always open to some question.

Certain duties have clearly been delegated to the Student Congress by the faculty. Among them are the careful management of the student activities fund, the yearly open house, supervision of the Gavel, and the issuance of student identification cards. Naturally, I promise that I will do all in my power to see that these responsibilities are carried out properly and with all due dispatch.

Beyond the above powers, the Student Congress has the right to hear, debate, and transmit to the faculty the complaints of students and although the Student Congress cannot "legislate" solutions it has been my experience that its position as "tribune of the people" has given it a strong voice in its recommendations to the faculty. During the past year, a new examination proctoring system was instituted almost entirely at the insistence of the Student Congress after hearing student complaints.

This right to hear and make recommendations on student complaints will become more important in the coming years as Cleveland-Marshall continues to raise its standing among law schools and with the bench and bar.

I pledge myself to recognize the obligations levied by the student government's constitution, to do everything possible to assist the school in attaining that goal, and at the same time to recognize the responsibility to the electorate to hear and act upon every individual complaint whether it be a small matter, or one of substantive injustice. Moreover, I pledge myself to carry out this "obligation to negotiate" with a careful consideration and a degree of diplomacy calculated to achieve the desired goal rather than to merely make myself audible.

John Martinade

If elected I will ATTEND congress meetings and will diligently strive for the enactment of policy which in my opinion, my constituents deem desirable.

Leonard Lybarger

If elected, I will make a conscientious effort to represent Section B's interests as well as those of the entire student body.

Eileen Kelley

I am not aware of the type and severity of problems before the present student council; therefore, I have no specific platform. If elected, however, I shall devote my efforts toward an objective approach to each problem and the energetic representation of students in keeping with our mutual goal of obtaining the best possible legal education.

Jim Johnstone

I desire office to promote the highest interests of our law school in general and our class in particular.

George Spiker

I feel that I can best render service to the members of Section A by: (1) attendance at all meetings; (2) handling questions and complaints presented as efficiently as possible.

I feel that in the coming year, the Student Council ought to improve the status of the school and students. I think this can best be accomplished by the following means:
1) A better examination system.
2) Elimination of comprehensive examinations.
3) Allowing only those graduates who actually qualify to take the bar.
4) Recommendation to the administration that the school seriously consider joining the Association of American Law Schools. (This status would greatly aid those students who find it necessary to transfer to other schools.)
5) A program to inject more enthusiasm and pride into the students about our law school.

Julian Allen

I am a representative for the International Ladies Garment Workers Union attached to the Ohio-Kentucky Regional office in Cleveland.

I represent the membership in the legislative, contractual, public relations, grievance and organizational activities.

I am interested in representing the Freshman class in the Student Bar Association and would certainly appreciate the votes of my fellow classmates to attain this opportunity.

I have in the past served in various posts and on various committees in both college and civic organizations. My present job needs no explanation in so far as experience in representing people is concerned.

I would like to see Cleveland-Marshall Law School grow both in prestige and number, and I believe the student body can go along way in achieving this, through collective thinking and activities, working closely with the school's administration. This prestige as we all know goes a long way in (Continued on page four)
our pursuance of a successful legal career in the years to come.

Michael Frenkel

The Student Congress must be both responsible and responsive to the needs of the students. More co-ordination is needed in this school between the student and the administration. In my opinion this and other problems would best be handled by standing committees in the Council responsible for certain problem areas. This would best be done by writing provisions into the by-laws.

Dick Burgess

After carefully reading the Constitution, under which the representative must adhere to, and after discussing the obligations and duties of a representative with the Student Council President Russ Sherman, I have concluded that I can serve my class honestly and well. This is why I have accepted the nomination and am running for class representative.

My platform is simple and straight: More personal responsibility towards the individual and class section. In this light, I pledge: (1) That I will personally reply, in writing, to any and all matters referred to me as Student Council Representative; (2) that I will recommend to the Student Council, and if necessary to the administration, any and all reasonable suggestions submitted to me which would improve the school, its standing and reputation, and its students; (3) that I will do all in my power to aid and benefit my class and its individual members, remembering that my primary purpose at Council is to represent said class and its members.

I have given grave consideration to this office before accepting nomination, and I trust that you will vote with the same genuine concern.

Al Lepri

Junior Section A — Bob York and Mike Elliot.

Sophomore Section A — Julian Allen, Al Lepri, Jim Johnstone, Lenny Lybarger.

Freshman Section A — Frank Stringer, Mike Frenkel, Montana S. Allmond, Shia Shapiro.

Junior Section B — Jim Kilcoyne and Adam Angelus.

Soph Section B — Norman Smith, George Spilker, Eileen Kelley, Dick Burgess.

Freshman Section A — Geza Szentmiklosy and Larry Schell. Center, Keith Craven, Fresh-B.
Pardon and Commute
by Leonard F. Lybarger

With wisdom and foresight the framers of the Ohio Constitution provided the Governor with the power to pardon, as well as to commute sentences. Heretofore, the use of this power has been determined only by newly discovered evidence, clearly and convincingly showing innocence. When discriminatingly used, the pardoning power is a valid and necessary means of effectuating justice.

On the other hand, when exercised as a tool for preventing punishment of the guilty, such authority no longer is justified. Governor DiSalle's recent clemency in reprieving Edythe Klumpp, a convicted first-degree murderer, on the basis of her testimony after receiving "truth serum," is an incongruent example. The necessary and logical result of his decision is that this so called "truth serum" must now be given the most weight in determining guilt or innocence. "Truth serum," a relatively new and untried psychobiological substance, now is to take precedence over the time-tested process of impartial trial by jury with right of appeal.

To believe that it will have this kind of success just as it is absurd to believe that "truth serum" is as reliable as unquestionable evidence of mistaken identity. If "truth serum" can achieve such amazing results, then it should be administered to all — with those who state innocence set free. All, including the Governor, would agree. "What such a proposal is ridiculous.

Governor DiSalle's action is readily seen, however, as the expression of his undaunted belief in the immorality of death as a form of punishment. The true task of a liberal decision lies within the realm of our legislature — not within the Governor's discretion. It is the people who must change the policy on this question.

As much as the State's Chief Executive believes in the death penalty, indiscriminate use of the pardoning and commuting power to avoid the result of undesired punishment will have dangerous consequences. Moreover, it is a usurpation of the constitutional prerogative entrusted to "twelve, tried and true."

Wives Club
by Mary Ann Hisnay

The next meeting of the Cleveland-Marshall Law Wives Club will take place on Sunday, February 12, at 2:30 PM in the Student Lounge at the school. Jean Spira, chairman of the February program, reports that a "Happy Valentine's Day" atmosphere will be created. The theme will be carried out through the table decorations and refreshments. A fashion show will be held with the following Law Wives acting as models: Nancy Harrington, Joyce Balazs, Pat Lamont, Joan Gize, Marilyn Leary, Jerry Lawrence, and Jean Spira. A very entertaining afternoon is planned.

Ellis V. Ripner, well-known Cleveland attorney and a member of the Cleveland-Marshall faculty, was guest speaker at the January meeting. His extremely informative talk on the subject of "Wills" was given with characteristic good humor. Mr. Ripner also discussed several cases in this field which revealed the irony and unhappiness which sometimes results from an inadequately drawn will. The talk was very well accepted by the Law Wives. Refreshments at this meeting were taken care of by Jean Spira, Joan Cannon, and Mary Ann Hisnay.

Members of the newly-organized telephone committee are: Ellen Anfang, Marilyn Collins, Francine Kirkwood, Agnes Kermode, Sandy Berardinelli, and Anne Thorpe.

Members of the newly-organized telephone committee are: Ellen Anfang, Marilyn Collins, Francine Kirkwood, Agnes Kermode, Sandy Berardinelli, and Anne Thorpe.

Fran Stein, chairman of the December program, reported that the sale of Christmas items was very successful. Mary Heaslip, Florence Tolt, Joyce Balazs, Liz Haaske, and Mary Ann Hisnay were members of her committee.

We thank John for his cooperation and fine columns during the past year. We might add that we hope Mr. Vamis will allow us to further exploit his talent and will consider doing another type of column in the Gavel.

Fraternity News

Editor's Note — We are pleased this month to announce the addition of a new member to the Gavel staff. As a result of the recent Fraternity election, Tom Scanlon (Sophomore, Section A), Clerk of the Rolls elect, will be writing the regular monthly Fraternity News Column.

We of the Gavel view the election with what we might call mixed emotions. We are happy to welcome Tom Scanlon. However, we are correspondingly unhappy in losing John Vamis. We thank John for his cooperation and fine columns during the past year. We might add that we hope Mr. Vamis will allow us to further exploit his talent and will consider doing another type of column in the Gavel.

by Thomas J. Scanlon

At the last meeting, held December 16, the Fraternity elected officers for the coming year. The new officers are: Brother Dale Brown, Dean; Al Oberg, Vice-Dean; Tom Scanlon, Clerk of the Rolls; Bob Kapitani, Clerk of the Exchequer; George Spilker, Master of the Ritual; John Keighan, Balliff; and John Gill, Tribune. All of the members wish to express their gratitude, for the excellent job which was performed by last year's officers.

Prior to the election, plans were tentatively proposed for the annual dinner dance which will be held early this Spring. At present, a committee headed by Brother Fred Lick and Pete Roper, is seeking a nationally prominent individual to be the guest speaker. Definite plans regarding the dinner dance will be announced at a later date.

During the last meeting Brother Paul Flanagan, a past officer, dropped in to emphasize the importance of the national convention for further growth and development of the Fraternity.
WIVES CLUB

(Continued from page five)

A gay Christmas mood was set by the serving of delicious, cherry-red raspberry punch and holiday cookies. Refreshments were taken care of by Liz Haake, Rosemarie Roda, Marilyn Leary, and Joan Cannon. Sincerest thanks to Eileen Anfang and Vi Schmitzer who picked up Mrs. Cutler, our December guest speaker, at her home (along with the huge assortment of decorations) and for seeing her safely home again. Mrs. Cutler's display and informal talk was very entertaining and instructive. A very big "thank you" to all Law Wives who brought used toys, please call 2351 to arrange for pick up. Special thanks to Joyce Balazs for her huge assortment of toys and for making sure all the toys arrived safely home again. Mrs. Cutter is very grateful.

Mrs. Leary, and Joan Cannon

COUNTY SQUARE

Wives Club meeting was very constructive. A very big thanks to all who attended and who delivered all the toys to the New Home for Children. Please call Agnes Kermode at 8351 in attending the meetings but we hope that you will stop and attempt to see the other person's view before getting up too much steam.

Richard J. Quigg
(Freshman Section B)

As yet we haven't found a fence that our typewriter will sit on.

Editor

THE QUINCY SAVINGS 
and Loan Company

8309 QUINCY AVENUE
CLEVELAND 4, OHIO

COUNTY SQUARE

RESTAURANT

New management and a coming new look are announced this month by the new owner of the County Square Restaurant, Mr. Frank Lenard. Mr. Lenard intends to continue the policy of, "A good place for food before class -- a good place for relaxation after class."

County Square Restaurant

1212 Ontario