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the GAVEL

VOLUME IX No. 5

CLEVELAND-MARSHALL LAW SCHOOL — CLEVELAND, OHIO

FEBRUARY 1961

Martindale Wins - Congress Elected



Retiring President Russ Sherman turns office over to incoming President John E. Martindale. From left to right — front row: Eileen Kelley, Jim Kilcoyne and Dick Burgess. Second row: Keith Craven, Norbert Dennerll, Jim Johnstone, Julian Allen, Geza Szentmiklosy, John Martindale, Russ Sherman, Bob York, Mike Elliot and Leo De Egidio.

When the votes were counted, after a hard-fought campaign in which the candidates took their platforms to the electorate and spoke in every classroom, John E. Martindale was on top by a small plurality.

Martindale, a Junior from Section B, graduated from Harvard College with an AB degree in the field of Government. He served two years in the Army and is now working as an adjuster for the Travelers Insurance Company. He is presently active in Moot Court, Law Review and is a member of the Delta Theta Phi Law Fraternity. During his three years at Cleveland-Marshall he has maintained a 3.9 scholastic average and has been a member of the Student Congress as a class representative.

New Congress Elected

With no less enthusiasm and after perhaps more heated campaigning the individual sections elected their representatives to the Congress. The following students were elected for terms of one year in the Congress: Freshman Section A, Geza Szentmiklosy and Leo De Egidio; Freshman Section B, Norbert Dennerll and Keith Craven; Sophomore Section A, Julian Allen and James Johnstone; Sophomore Section B, Richard Burgess and Eileen Kelley; Junior Section A, Mike Elliot and Bob York; Junior Section B, Adam Angelus and Jim Kilcoyne.

At the first Congress meeting on February 4, under the provisions of the revised Constitution, the remaining executive positions were filled by vote of the body of representatives.

Jim Kilcoyne (Junior Section B) was elected vice-president. Bob York (Junior Section A) and Eileen Kelley (Sophomore Section B) were elected Treasurer and Secretary.

The February 4 meeting was primarily concerned with the election of the executive officers and the organization of committees. However, the air conditioning, the comprehensive, and the financial condi-

(Continued on Page Four)

Moot Court Convenes

On February 23 the first round of oral arguments in the newly-organized Moot Court were heard before the presiding judges, William K. Gardner, Jack Smith and George Joseph, in the Court of Appeals in the Cuyahoga County Court House.

Professor Smith opened the proceedings with a brief explanation of the methods and procedures of the appellate court.

Two cases were heard. The first concerned the question of custody of a minor child who is without the jurisdiction of the court and whose parents are within the Court's jurisdiction. The action was brought by appellants, John Collins and Walter Johnson. A very adequate rebuttal was offered by appellees, William O'Brien and Carl Miller.

The second case was concerned with the question of whether or not the pick-up officer in a radar team can validly arrest a speeding vio-

lator when he has not witnessed the incident. The appellants, Adam Angelus and Arthur Fitzgerald presented convincing arguments that the arrest was illegal. However, they were met with equally able arguments by appellees, Richard Lucey and Robert Morris, that the arrest was completely legal.

Each team was allowed twenty minutes of oral argument that was frequently interrupted by questions from the bench. The oral argument was the summation of several months work for each team. Written briefs were submitted to the court last month.

Although participation is limited to third year students, all students are welcome at the arguments.

a new generation

"... Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans... Let every nation know, whether it wish us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend or oppose any foe in order to assure the survival and success of liberty."

The words rang out across Pennsylvania Avenue on that cold, raw January afternoon, and resounded across the country, and around the world. And an echo drifted back, an echo of another generation, of another time — twenty-four years ago — an echo of those hallowed words that will never be forgotten and will never need identification, "To some generations much is given. Of other generations much is expected. This generation has a rendezvous with destiny..."

And that generation listened and kept the rendezvous. And the destiny became post-war America with its peace and prosperity. It became a humble Japan and the end of Hitler's might. It became a giant the world idolized and feared. It became a fortress of truth, freedom and hope.

But with the subtleness of the twilight blending day into night this proud, healthy post-war America became the thin, nervous America of the middle fifties, a giant badly shaken by the Korean War, eroded from within by bigotry and hate, and continually battered from without by Communism. A giant that today watches as its once mighty dollar crumbles on the world market. A giant, with its own Monroe Doctrine shoved down its throat, that today watches the creation of a Communist empire ninety miles off her shores.

But the words were not without hope. But the way was clearly marked. "And so, my fellow Americans: Ask not what your country can do for you — ask what you can do for your country..." And a nation with four million unemployed, a nation not completely at peace with itself, listened and hoped.

So the cycle has swung around again. As long as men prize freedom, the need to continually forge ahead will always be with us. We hope, we pray, and weighing this administration with that which has to be done, we believe that this generation will keep its rendezvous.

a compromise

The question of whether or not the comprehensive examination system is entirely fruitful, or in anyway fruitful, has been vigorously debated here during the past few months.

The proponents of the system offer weighty evidence for its continuance. They argue that the comprehensive examination forces a student to review and that it is an excellent preparation for the bar. They tell us that it re-acquaints the Senior with the subjects that he has not studied since his freshman, sophomore or junior year. And they conclude that the system is time-tested and therefore, if for no other reason, must be the better.

The opposition's "performance under fire" argument, that a test with all of its accompanying pressures, is not an accurate measure of a student's real ability or grasp of the subject, is hardly valid in a law school. Their contention, however, that for many, particularly the A and B students, the comprehensives are both unnecessary and a complete waste of time, does seem to have some merit.

The argument bogs down here if it will either be complete abolishment or complete retention of the present system. And since it appears that the Administration favors the status quo, the argument becomes merely academic.

However, we believe that there is good in both positions. We also think there are fallacies in both. So why not compromise. Let's take the good and disregard the bad from each view.

The good points of the proponents' argument concerns those students who need prodding. The good points of the opposition's argument concerns those students who don't. Therefore, we propose a system whereby an arbitrary figure based on the four year average, probably somewhere in the mid-eighties, be established to determine which students would or wouldn't take the comprehensives.

Good Work!

The quality and impact of the Cleveland-Marshall Law Review has been brought to our attention many times by a number of congratulatory comments from the many readers throughout the country.

None were as complimentary,

however, as a recent report from Philadelphia concerning our May 1960 edition, citing Professor Howard Oleck's article, "Foundations Used as Business Devices," as being an outstanding commentary on that subject.

The thing that impressed us the most was not that the article was merely read and commented upon, but that it was reprinted and made mandatory reading for the personnel in the Trust and Foundations Division of the U.S. Treasury Department.

The Waste Makers

by John Vamis

For some time and to an increasing degree the appearance of the library has been marred by cast-off wrappers, half-filled coffee cups and other litter carelessly left on study tables or strewn on the floor. This condition has been associated with the unavailability of reference material which is left thoughtlessly after use on the work table. Both conditions of disorder are associated with the buzz of conversation in rooms set apart for quiet study.

The untidy condition of the library has not gone unnoticed. It has received official disapproval by Dean Stapleton in posted bulletins. It has also been a source of irritation to the conscientious student adversely affected and should be a cause of embarrassment to all students who feel any pride in their school building.

A very real effort has been made by the school administration to make the library a useful and worthwhile accommodation. Miss Marcella Matejka has made every student need the basis for the development of an ever increasing number of library

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THE GAVEL

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Editor-in-Chief Thomas M. Shaughnessy

News Editor Albert Oberst

Feature Editor Leonard F. Lybarger

Editorial Staff: Mary Ann Hsiny, Pete Roper, Thomas J. Scanlon, Ann C. Schweinforth, John Vamis.

Business & Advertising Managers Stephen D. Doboze, William R. Murphy Jr., George W. Spilker

Faculty Advisor Professor William Samore

Uniformity & Conformity

by Leonard F. Lybarger

Vice Admiral Hyman G. Rickover's recent suggestion that all school children be compelled to wear uniforms has raised few eyebrows. It should be regarded, however, as a symptom of the malady which President Eisenhower warned against in his last major speech before leaving office.

In it he warned that a constant vigilance should be kept to prevent the ever-increasing tendency of the military to exercise control over non-military problems. The President noted that the growing dependency of the economy on defense production could lead to this undesirable military influence.

Admittedly, Admiral Rickover's proposal has nothing to do with the economy. Its source, however, should put us on guard. Admiral Rickover has done much to awaken the American people to the need of reassessing the type and quality of the education our high school students are receiving.

On the other hand, this last suggestion possesses latent and dangerous possibilities. It should be nipped in the bud; for the dressing of all school children in uniforms, irrespective of the desires of their parents, is characteristic of almost every totalitarian government. The minute mass uniformity of dress is required the greater is the opportunity to inculcate uniformity of thinking in all areas of the acquisition of knowledge.

Regimentation of youth on a nationwide scale is much too prevalent as it is. One contemporary has pointed this out in his satirical description of many of today's college students with their "button down minds."

Any step to further the widening reach of conformity must be exposed before it becomes too inimical to freedom of thought and mistakenly accepted as a "new and modern" approach.

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Sallie Richards
Class of '59

Wives Club

by Mary Ann Hisnay

The Cleveland-Marshall Law Wives Club will meet on Sunday March 12, at 2:30 PM in the student lounge. The guest speaker will be Mrs. William G. Laffer, who was recently appointed foreman of the county grand jury. Mrs. Laffer, who is very active in numerous civic affairs, will speak on the composition, duty, and tasks of a grand jury.

The February meeting was quite successful. A fashion show highlighted the afternoon.

And now, for our main event! The Law Wives Annual Spring Dance will be held Saturday evening, April 15, from 8:30 to 1:00 at the Lakeshore Country Club. Hal Lynn's orchestra will provide dance music. Tickets are \$7.50 per couple — this includes a continuous buffet supper which will be served throughout the entire evening. Mixed drinks can be ordered at the club — however, if you bring your own Scotch, Irish, Bourbon, or Canadian, "set-ups" will be available. Door prizes galore are already being stored away to be given to lucky ticket holders.

Opportunity is knocking on your door for a fun-filled, delightful evening — so open the door and call Mrs. Patrick J. Cannon at RE-4-0090 for tickets. Reservations can also be made by contacting Mrs. Lester T. Tolt at CL-1-6199. A complete table, seating a group of ten, can be reserved by calling Mrs. Tolt.

A special note to all Law Wives — a lovely prize will be awarded to the member who sells the most tickets! So, work, buy, and sell! All members should make every effort to support this club affair in every possible way — working on committees, buying tickets, and "selling the dance" to relatives, friends, and neighbors.

Sincere congratulations to Lynn and Marilyn Leary on the birth of their son.

Fraternity News

by Thomas J. Scanlon

At the last business meeting Dean Dale Brown announced that the following brothers would head the various committees for the coming year. The appointments were Brothers Al Oberst, membership; John Westropp, social; John Martindale, scholarship; Keith Craven and Jack Bumgardner, house; John Vamis, welfare; and Hank Fischer, parliamentarian.

The business meetings for the remaining portion of this year will be held on March 10, April 14 & May 19. The social meetings will be on April 14, May 12 and the third meeting will be held sometime in June.

The alumni senate of the Fraternity held its annual "Tom and Jerry" party on January 14, at the Hotel Cleveland. Judge Harry L. Eastman was awarded a lifetime membership in the Fraternity in recognition of his outstanding contributions to the legal profession and to the Fraternity. All of the Brothers who attended this function had a very enjoyable Saturday afternoon.

Thomas Osborne, assistant county prosecutor, was the guest speaker at the social meeting held January 27. His talk on criminal law and its enforcement in Cuyahoga County was of great interest to all the members. Of special interest were Mr. Osborne's remarks on the degrees of certain criminal offenses and what was required to prove these various degrees. Mr. Osborne's numerous examples and personal experiences made this talk very interesting and informative. At the conclusion of the talk there was a question and answer period regarding the many aspects of criminal law and the operation of the County Prosecutor's office.

At the social meeting on February 24, George Maxwell, a prominent Cleveland labor attorney, spoke to the Fraternity on the subject of modern labor law. This was both interesting and informative.

The members of the Fraternity wish to congratulate Brother John Martindale for winning the election as president of the Student Congress. Also we wish to congratulate all of the individuals who were elected as class representatives.

... THE WASTE MAKERS (Continued from Page Two)

services. The accessioning of new titles proceeds at a rapid pace. A very recent innovation is the acquisition of Hornbook titles which circulate as student aids in course review. The library is kept open during a great part of the day and night with library attendants after class hours to assist in maintenance. Of greatest student convenience is the absence of any strict rule of conduct in the use of the library which allows the student a considerable freedom from restraint including the permission to smoke.

In the very near future the Freshman courses in bibliography will begin. This is a period of peak use of the library. If present standards of conduct continue student use of the library will be materially hampered. The few rules of what amounts really to common courtesy should impose no real burden on the individual and should make for greater enjoyment and use of the library for all. Students are requested to dispose of all waste in proper receptacles, to replace all reference material when not in use, and to refrain from unnecessary talk except in the fourth room which is specifically designated for study group use.

Student cooperation in this good conduct will materially improve the present appearance of the library and help the library staff maintain better facilities for all.



Adam Angelus protests legality of radar arrest. Opposing counsel, Dick Lucey and Bob Morris look on. (Story on Page One.)

... ELECTION NEWS (Continued from Page One)

tion of the GAVEL were discussed.

Senior Class Nominates

The Senior Class will elect class officers on March 3. Nominations were held here last week.

Thomas Murray, Martin Sammon, Russell Sherman, and Walter Wagner were nominated for the office of President.

For Vice-President, the Senior class nominated Stephen Cahn and Paul Sanislo.

Winifred Dunton and Esther Weissman were named for the office of Secretary.

Harold Graves, Donald Harrington and Leon Nagler were nominated for the position of Treasurer.

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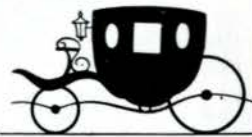
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