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## 1961 Vol. 9 No. 7

Cleveland-Marshall College of Law

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# the GAVEL

VOLUME IX No 7

CLEVELAND - MARSHALL LAW SCHOOL - CLEVELAND, OHIO

MAY 1961

## 300 Attend Annual Spring Dance



Intermission — Juniors relax with dates between dances.

## Review lauded in Madison

John Martindale, Cleveland-Marshall's representative to the Law Review Editors Convention held in Madison, Wisconsin on April 7 and 8, returned from the convention with a report that once again the Cleveland-Marshall Law Review has gained national recognition and acceptance.

The Review was cited as being one of the outstanding in the country particularly in its chosen field of the medical-legal. The vast circulation and the great demand for the Review were presented as proof of this quality.

Martindale comments that Cleveland-Marshall's position among the other law schools represented was somewhat unique. Cleveland-Marshall was one of the few night schools represented and one of the very few where students write lead articles.

This uniqueness was further exemplified by the fact that the Cleveland-Marshall Law Review Staff has been able to continuously turn out a quality product with a staff composed of part-time students and advisors who, in addition to

their work with the Review, carry a full teaching schedule. This has caused considerable amazement and admiration in other schools where the job of faculty advisor is many times a full-time position and where scholarships and salaries for both editors and advisors are common.

The convention discussion was concerned with all phases of law review work with particular emphasis given organization and student participation.

Martindale who will be the Editor-in-Chief of the September 1961 Review has already begun enthusiastic preparation for that edition. The emphasis at this time is being placed on increased student participation.

(continued on page six)

Amid the pageantry of white covered tables, sparkling chandeliers, and beautifully decorated buffet tables, a crowd of nearly three hundred that included students, faculty, wives, dates and friends jammed the main ballroom of the Lakeshore Country Club on Saturday Evening, April 15 for the second annual Wives Club Spring Dance.

The guests started arriving about eight o'clock and by shortly after nine the ballroom was packed.

Music that ranged from chachas and polkas to waltzes and the Mexican Hat Dance was provided by Hal Lynn's Orchestra. A continuous buffet supper of ham, roast beef, potato salad, pastry and coffee was served throughout the evening.

During intermission a number of door prizes including a silver tray, linen, and bottles of whiskey, were awarded by Dean Stapleton and Dance Chairman, Jean Spira.

The consensus of opinion seems to be that Dance Chairman Jean Spira and all of the many committee workers in the Wives Club did an extraordinary job in arranging and planning another successful and very pleasant evening.

## Graduation June 16

The 1961 Graduating Class will receive their degrees in the Music Hall in the Cleveland Public Auditorium on June 16. The ceremonies will start at 8:00 PM.

All students and friends are cordially invited to attend.

## League meets May 19

Dean Stapleton and Professors Oleck, Samore, Smith and Wilson will represent Cleveland-Marshall Law School at the League of Ohio Law Schools meeting in Dayton, Ohio on May 19 and 20. The meeting will be a general meeting of the League.



# the mandate

John Gill, the Fraternity's delegate to the Delta Theta Phi National Convention in Atlanta Georgia in August, has been unanimously instructed by the membership in this Senate to vote against the discriminatory clause in the national constitution.

This mandate should be a source of great pride to all of us.

We are now, as we have been in the past, unequivocally opposed to the discriminatory clause. We are heartened by this and by the great strides that are being made in this and other areas by this generation of Americans in removing racial and religious barriers. We are convinced that if the United States is to remain a first rate power, we must conceive a society where a Bunche, a Ribicoff and a Kennedy are unequal only because of the ability they possess; a society where the only measure is ability and the common denominator is American.

However, we must say, and we feel that it is our duty to say, that we do not believe this mission will succeed. We do not believe that love can be legislated. Our delegate charging upon Atlanta armed with a mandate against discrimination possesses all of the ineptness of John Brown attacking Harpers Ferry. Our delegate proposes to enter the lion's den, twist the lion's tail and make the lion like it.

He may well win. This discriminatory clause may be revoked. At the last national convention it was sustained by a scant 51%. But even if it is repealed, even if the Southern opposition is beaten, there will still be a very substantial number very much and very vehemently opposed.

We do not believe that brotherhood can be achieved by parliamentary procedure or prejudice overruled by majority vote.

An interest in law, particularly in the law of this land, should be the basis for a legal fraternity. We believe that law students of all races in this area have considerably more in common than do white, non-Jewish law students from both North and South. Would it not be better to drop the national affiliation and adopt a constitution that would be tailored to the desires of our group?

The day will surely come when the now-strong Southern

opposition will strangle on their own soul-destroying hatred. But until that day comes, until there are no more Little Rock's or New Orleans', we see no sense in creating a monster, a contradiction that would have the defeated opposition picketing schools one day and calling us brother the next.

# the prize is his

John Martindale's enthusiastic report from the Madison Wisconsin Convention has again made us vividly aware that Cleveland-Marshall has a law review that is quickly becoming second to none throughout the country.

We, who have been at Cleveland-Marshall only a very few years tend to take the Law Review for granted and find it hard to believe that it was not always as it is now.

We are aware that the individual editors and staff members during our time have performed at a high level. However, the similarity of their achievements suggests that they have been led or inspired to this high level performance.

After five years of untiring effort, after five years of pushing, prodding and inspiring the editors and staff members, the prize is now his. Professor Howard Oleck has created a Review that has not only gained considerable national recognition, but a Review that is frequently quoted and nationally acclaimed, second to none.

Because of the importance of law review work and legal writing in the legal education, we can be proud and extremely thankful that we have Professor Oleck on our side.

# Picnic

There has been a good deal of talk around the school during the past several years, both in and out of council, about the possibility of the school sponsoring a summer picnic. Most of the discussion has been favorable. So far, however, nothing has been done.

This year, we understand, the Student Congress has sufficient funds to make a picnic possible.

We propose that the Student Representatives discuss this in the individual sections before the Student Congress meets this month so that at the meeting some decisive action can be taken.

## Letters to the Editor

### EDITOR:

This letter is in reply to Mr. Lybarger's article entitled "Aid or Raid," which appeared in the March issue of the GAVEL.

There are many Americans who believe that it is impossible to divorce God from an educational process; who believe that if there is a supernatural force which affects the universe, a study of this force is essential to a true understanding of other branches of knowledge; who believe that an educational system which leaves God out of its consideration is itself advocating a religion, a religion which either denies the existence of God or at least denies His importance.

The Constitution of the United States guarantees such Americans the right to so believe. Yet such Americans find that the dollars they pay in taxes can go only to schools which offer the religion which leaves God out of the picture. In order to exercise their freedom of religion, these Americans pay a second time in order to educate their children.

Finally, it is decided that the State-supported schools need additional help. The Federal Government proposes aid — aid which will cost every American, including those whose belief is described herein, additional dollars for education. Thus, those people who have been paying twice to educate their children will henceforward be paying three times.

When these Americans voice their disapproval, the pages of the GAVEL meet their objections with an analogy. Thrice-paying

(continued on page six)

## THE GAVEL

Published monthly by and for the Students of Cleveland-Marshall Law School, 1240 Ontario Avenue, Cleveland, Ohio.

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Feature Editor Leonard F. Lybarger

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# The Legacy of Hate

by Leonard F. Lybarger

As the trial of Adolf Eichmann draws to a close and the steady stream of literature pertaining to it gradually diminishes, one is left with a certain feeling of incompleteness about the trial. In some this feeling might be deemed unatoned vengeance. In many it might be called apathy. To the generation which was too young to remember and which cannot imagine such ghastly evil on the pages of history, there is a feeling of uncertainty mixed with questioning anxiety.

Violation of society's criminal laws heretofore has required apprehension and punishment. When the magnitude of Eichmann's crimes is considered, however, the purpose and effect of a specific trial conducted by one nation for barbaric offenses by an individual against humanity are somewhat obscure.

Punishment for the offender is our first and natural reaction. The absence of a code of world law with orderly procedure for dealing with such a vexing problem certainly contributes to this feeling of doubt. Furthermore, many unanswered questions involving the individual and his moral responsibility increase this uneasiness.

Among these questions are: whether or not an individual can be held morally accountable to the world for crimes committed against it; and, if so, whether responsibility should be placed solely on Adolf Eichmann; as well as whether one nation should judge the conduct of one man where crimes against mankind are charged.

Ready answers are not forthcoming to these and many other questions posed by the Israeli trial. Perhaps they are rightly known only to God.

If the world, however, is to learn or hopes to gain wisdom from this grotesque episode it must first realize two truths. The first is that the indictment against Adolf Eichmann is against mankind, for this mass atrocity was conceived and commissioned as a result of false pride and irrational prejudice. The second and more profound is that no conventional system for expurgating evil and achieving justice is sufficient to rid the world of the recurrence of crimes as committed by Eichmann. The consequence of this realization is that civilization either will progress by the self-discipline of all men or destroy itself by a more complete rejection of God than this massacre of the Jews.

Whether mankind chooses to realize these truths and live in peace or reject them and take the chance of its extinction only history will know.

The stakes, unfortunately, are too high for the latter to be chosen.

## Wives Club

by Mary Ann Hisnay

Professor Howard L. Oleck, Assistant Dean and member of the Faculty of Cleveland-Marshall Law School, will be the guest speaker at the May 14 meeting of the Law Wives Club. Mr. Oleck's Column, "Law for Living," which appears in the Sunday Plain Dealer, is read and enjoyed by many. He will speak on "The Law of Torts," with particular emphasis on the field of personal injury. The meeting will start at 2:30 PM in the Student Lounge. Frances Stein, Vice-President and Program Chairman, has arranged the program.

Although the Law Wives Annual Spring Dance has been covered on page one, a few words must and should be said in this column. First, a big sincere thank-you to all who bought and sold dance tickets! No matter how much preparation and organization has been gone through, the success or failure of any affair rests on the number of tickets sold. Appreciative thanks, also, to all of the husbands who sold tickets at the school.

A list of names isn't exactly the most interesting reading. However, this will probably be the only public applause these girls will get for their innumerable hours of work on the dance. So, thank you: Jean Spira, Joan Cannon, Florence Tolt, Mary Heaslip, Agnes Kermode, Rhoda Goetz, Eileen Anfang, Joyce Balazs, Marilyn Collins, Pat Lamont, Frances Stein, Sandy Berardinelli, Liz Haake, Francine Kirkwood, Nancy Harrington, Donna Mehok, Mary Ann Hisnay, Phyllis Murray, and Alice Slaman.

A special cheer, too, for the law wife who sold the most tickets. Her name will be announced at the May 14 meeting.

Annual elections of officers will be held at the June 11

## a lawyer's resolution

by Albert Oberst

Friends, Students, Countrymen, lend me your eyes and thinking process.

Our purpose here is not to bury the evil of Communism. Our purpose is rather to initiate laws to weaken the threat it poses against our freedom, our liberty and our peace.

Now we are engaged in a cold war. A war that will test whether democracy or dictatorship will survive. "It is for us to here be dedicated to the great task remaining before us."

We can no longer joke about Communism. We can no longer brush Communism aside. For its tanks, its jets, its technical knowhow, its evil control, are but a short rocket's distance from Cleveland.

We cannot allow it to spread in our hemisphere. We must contain it, we must bottle it up, we must rededicate ourselves to democracy and a way of life that is based on the existence of a God.

We must act, America must act, we must resolve that a greater portion of our lives be spent strengthening the principles of democracy. For without renewed dedication freedom will surely perish from this earth.

meeting. To be eligible to vote, a member must have her dues paid in full. If you are not sure of your exact amount paid, please contact Gerry Lawrence, Treasurer, at VI-3-3874. Officer positions to be filled are: President, Vice-President (program chairman), Recording Secretary, Corresponding Secretary, Treasurer, Parliamentarian, Social Chairman, and Public Relations Chairman. Be sure to attend and cast your vote for the candidate of your choice!

Nancy Harrington, President, would like to thank all of the officers, the executive board, and members of the Law Wives Club for their constant support and interest in all Club activities during the past year.

As this is the last column of Law Wives Club news to be published for this school year, we take this time to wish you all a sunny, serene, yet scintillating summer! The column will be resumed in September of 1961. Hope to see you all then at the start of another successful year.



# Alice on Campus

by Lou S. Karol

"No," said the bus driver, "I've never heard of it."

"Never mind," said Alice somewhat impatiently, thinking to herself that either the bus driver must be terribly new or terribly stupid. "Just drop me off on Ontario Street."

"Here you are," said the bus driver not at all unpleasantly. "Watch your step."

"I suppose," thought Alice as she found herself on the sidewalk in front of the Court House, "I ought to go one way or the other; but the great question is, which way?"

However, since there seemed to be only one way to go, Alice set out south on Ontario Street examining the numbers on the buildings as she went along.

"Let's see," mused Alice, "1200 and then 1204. It seems as though, if the numbers are getting greater, I should eventually come to 1240."

"Are you a law student," asked the Cheshire Cat, appearing quite suddenly on top of the large red and blue mail box?"

"I'm sure," said Alice, intending her remark to be a reprimand, "that it's illegal and unconstitutional to be appearing on Government property and anyway, how could anyone post a letter?"

"You must be a law student," repeated the cat completely ignoring the reprimand. "And a Freshman at that," he continued, noticing the transcript tucked under Alice's arm.

"I'm looking for Cleveland-Marshall Law School," explained Alice more politely. "But I seem to be lost."

"Welcome," said the cat waving his paws magnanimously, "to Cleveland-Marshall Law School."

"Thank you," said Alice remembering her manners. "But the truth is Sir, I can't seem to find it."

"Find it," chuckled the cat, apparently amused at Alice's confusion. "You're nearly on top of it. This," he continued again waving his paw at the large building opposite the mail box, "is Cleveland-Marshall Law School."

Alice looked and sure enough the sign high up on the building read, CLEVELAND-MARSHALL LAW SCHOOL. "But where," asked

Alice, imagining herself to be the victim of some horrible joke, "is the campus?"

"Hrumph," said the cat, quite un-cat-like and completely avoiding the question. "Let me show you the Student Activities Center. Here," he said pointing proudly at the County Square Restaurant, "is one of the nicest Student Centers in town."

"But," said Alice trying to hold back the tears, "this doesn't at all look like a law school. Why these — these old white bricks. This looks like something one might read about in an Erskine Caldwell novel. It looks like," said Alice finally giving way to tears, "like a dirty igloo."

"Now, now," said the cat, "don't judge rashly." And then falling into colloquial English he exclaimed brightly, "It'll grow on you."

"It would be better," said Alice tearfully, "if they had some ivy growing on it. This isn't at all what I imagined after reading the catalogue. Why, this looks like a glue factory!"

"I suppose," said the cat sarcastically, "that you're well acquainted with glue factories."

Alice chose to ignore the remark and pointing to a rather peculiar looking young man who was pacing up and down in front of the building, muttering to himself, and chewing on a ball point pen, asked, "Who is that?"

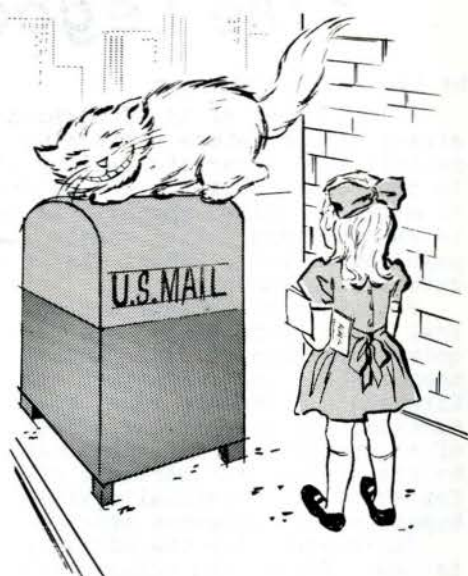
"Oh him," said the cat with a dismissing wave of his paw. "That's the editor of the GAVEL."

"I'm composing an editorial," said the editor, addressing Alice who seemed quite impressed for she wasn't at all used to being addressed by editors.

"Don't pay any attention to him," said the cat in a disgusted tone. "He's a schizophrenic. He thinks he's Barry Goldwater."

"Do you mean," asked Alice, "that he hasn't heard about the recession?"

"I shall address this editorial to the Board of Trustees," continued the Editor, unperturbedly flicking an imaginary speck of dust from a handkerchief that grew like a dirty white rose from his vest pocket.



"I shall say: 'Gentlemen, we commend, no we command your attention to the outer wall!' And then I shall ask," he continued, still chewing furiously on the ball point pen. "For how much longer must we, the Students, be ashamed to show our school to our friends and relatives because of its unsightly exterior? How many prospective students — how many prospective donors — have turned away because of the initial unfavorable impression? When shall we be able to point with pride and say, this is my school — this is Cleveland-Marshall!"

"No gentlemen, this does not look like a law school — this looks like a glue factory!"

"See," said Alice triumphantly. "He thinks it looks like a glue factory too."

"A voice crying alone in the wilderness," quoted the cat with a sneer.

"And then I shall say," continued the Editor, his voice rising as the ink from the pen began running down his chin, "Gentlemen, we must rebuild! Cleveland-Marshall must reface! The hour of decision is upon us!"

"What a bore," said the cat with a yawn. "The Board of Trustees don't read the GAVEL anyway." And with that he slowly vanished into the mail box, beginning with the tail and ending with the grin which remained superimposed over the legend US MAIL sometime after the rest of it had gone.

"I think," sighed Alice as she picked up her transcript and went back down Ontario Street, "I shall register at Western Reserve."



## Fraternity News

by Thomas J. Scanlon

The last social meeting, held April 7 at the Lincoln Inn, was a very successful event. We wish to thank the students who attended and made this open meeting a success. The guest speakers were Mr. Andy Putka and Professor Jack Smith. Brothers Putka and Smith enumerated some of the advantages of joining the Fraternity both from the immediate present and future points of view.

We are pleased to announce that approximately twenty-five students were invited to join the Fraternity. The formal initiation will be on Saturday May 13, at the Court of the Honorable Lee E. Skeel.

Immediately preceding the initiation there will be a luncheon at the University Club at 3813 Euclid Avenue.

Brother Bill Thomas, former counsel for the Greyhound Bus Lines, will be the guest speaker. We urge all of the brothers to attend this luncheon.

All students who were invited to join the Fraternity should return their application blanks as soon as possible, so that the appropriate arrangements can be made.

At the business meeting of April 29, the members of the Fraternity passed a resolution expressing their conviction that the restrictive covenant in the National Constitution should be completely abolished. It was further resolved that since our Senate is the Alpha Senate of the Fraternity it should make its views on this matter known to all of the Senates in the Country.

The members of this Senate are determined to remove this covenant as soon as possible. It is our belief that in taking action of this nature the restrictive covenant will be removed from the National Constitution at the next National Convention which will be held this summer.

Some of the members of the Fraternity have proposed a golf outing. Any brother interested should contact one of the officers. The annual formal dinner dance has been tentatively set for early next Fall.

## Student Congress

The Student Congress, in one of the stormiest sessions of the current congress, met on April 21.

In the first item of business, the Treasurer reported that the treasury shows a balance of \$528.52.

Dean Stapleton joined the group to answer the Representatives' questions. He commented that the Administration plans to take into consideration the air conditioning problem during the renovation this summer.

He emphasized that the rules concerning probation and dismissal as outlined in the catalogue would be strictly followed.

The problem of the vending machines was discussed with the recommendation being made that the operation be further investigated and the findings reported to the Administration.

Concerning the raising of

grades, the Dean answered that this was seldom done, however, that the raising or lowering of a grade was entirely within the discretion of the individual instructor. Dean Stapleton stressed that each student should feel free to discuss his examination paper with the professor for the purpose of finding out his mistakes, and not merely to have his grade raised.

## ALSA Meeting

Adam Angelas, Junior Class Representative and Leo DeEgidio, Freshman Class Representative, returned from the April 8 and 9 American Law Schools Association Conference in Cincinnati with the unhappy news that the 1961 Convention will be held in Detroit and not in Cleveland as had been hoped.

On the brighter side, however, Angelas and DeEgidio report that the conference was quite successful and that they were able to bring back a number of pointers that will be of value to our student government.

The conference, attended by nine schools in the ALSA sixth circuit, was for the purpose of exchanging ideas on student government and student congress activities.

On Saturday morning, April 8, both delegates attended a panel discussion concerned with the constitutionality of teaching religion in public schools and on that afternoon both attended a panel where applied legal skills were discussed with the aim of bridging the gap between law school and a legal practice.

The national Convention of the ALSA will be held in St. Louis in August 1961.



Sophomores at the Wives Club Dance. . .



Some of the Faculty came too. . .



# Anvil Revue May 20

The City Club of Cleveland is inviting Cleveland-Marshall students to attend its "Anvil Revue" by offering special \$1.00 tickets to the Saturday, May 20 matinee in Public Music Hall.

Entitled "That New Jack Magic or Bennie in Blunderland," this year's "Anvil Revue" is the 48th annual City Club show devoted to humorous commentary on world, national and local current events.

Members of the City Club (all of whom are men) take the roles of prominent figures in the news (some of whom are women) poking fun in dialogue, songs and dances.

Through the years, City Club shows have become a renowned institution of free expression here and across the nation. One feature of each performance is the introduction to the audience of the so-called "goats", real holders of public office who have come to the

"Anvil Revue" to see themselves roasted.

Student tickets are on sale at all Burrows stores, or at the City Club office, 712 Vincent Avenue, at \$1.00 each for the Saturday matinee on the afternoon of May 20.

## LAW REVIEW

(continued from page one)

### New Policy Announced

In an attempt to increase student participation, the staff has announced the following policy:

Any student completing the first half of the sophomore year with a 2.5 scholastic average will be eligible as a candidate.

The candidate will then be assigned a case note which if completed and of publishable quality will entitle the candidate to be admitted to the staff.

As a staff member a student will be expected to do either two articles or one article and editorial work. Successful completion of this work will merit the student three credit hours in lieu of Legal Writing II. No tuition will be charged for these credit hours.

Letters to the Editor  
(continued from page two)

citizens are compared to children who are angry when denied candy. All analogies are said to limp, Mr. Lybarger. Yours never got off its knees.

Robert J. Morris  
(Junior Section A)

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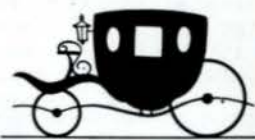
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