

YOUNGSTOWN STATE UNIVERSITY

ORAL HISTORY PROGRAM

Youngstown Law School

History of Youngstown Law School

O.H. 82

ATTORNEY THOMAS M. MOORE

Interviewed

by

Paul Carlson

on

April 23, 1977

ATTORNEY THOMAS M. MOORE

Thomas M. Moore was born on April 19, 1909 in Youngstown, Ohio, and graduated from East High School. He was a good athlete and was offered an athletic scholarship to Ohio University. He was involved in local politics and served as Precinct Committeeman of the Democratic Party for the second Ward. He also served his country during the war as a Gunnery Officer in the Navy in the Atlantic, Pacific and the Mediterranean. He participated in the invasion of southern France and he served aboard a ship carrying 10,000 tons of TNT to Iran. Moore has been involved in veterans' activities and has been the moderator of the veteran's radio program since 1953.

Attorney Moore was Assistant Prosecuting Attorney for five years under Prosecutor William A. Ambrose and lost the Prosecutor's race for election in 1960 to Jack Nybell. He served as U.S. Commissioner from 1964 to 1971 and is currently the Referee of Domestic Relations for the Mahoning County Common Pleas Court. Moore graduated from Youngstown Law School in 1948.

PAUL CARLSON

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INTERVIEWEE: ATTORNEY THOMAS M. MOORE
INTERVIEWER: Paul Carlson
SUBJECT: History of Youngstown Law School
DATE: April 23, 1977

CARLSON: This is an interview with Attorney Thomas Michael Moore for the Youngstown State University Law School Graduates project by Paul Carlson at 808 Mahoning Bank Building, Youngstown, Ohio, on April 23, 1977 at 10:15 a.m.

Mr. Moore, could you tell us a little bit about your early experiences? What was it like, I think you grew up on the East Side?

MOORE: I was born, raised and educated in the schools on the East Side of Youngstown. I graduated from East High School where I played on the high school football team. My playing must have been respectable. I received a few football scholarship offers.

CARLSON: Could you tell us a little bit about your family, your family background, your parents?

MOORE: My mother and father immigrated to the United States from England when they were infants. Their parents (my grandparents) immigrated from Ireland to England to escape the ravages of the potato famine and to seek a new life in the steel mills in England. When my grandparents settled in the United States my father's parents settled in Hazelton and my mother's parents on Albert Street near the Valley Mills, Youngstown, Ohio.

- C: How many brothers and sisters do you have?
- M: There are four brothers and two sisters in our family.
- C: Could you tell us more about what it was like to grow up on the East Side? What your early experiences were?
- M: The East Side of Youngstown was home to me; it had all the attributes of a good home and good family. I never can recall that the front door of our house was ever locked at any time, nor was this done by the neighbors. I can never recall of any burglaries happening on the East Side of Youngstown in my neighborhood. The East Side had a reputation for being tough but it was tough in a manner of physical abilities; no property or person was abused.

In my early ages I recall of several boxing teams practicing in somebody's garage. At that time they emphasized the boxing team which won the match by winning more bouts. Today they still have boxing teams but the fighter is the feature attraction.

- C: Were you and your brothers quite athletic?
- M: I was the only one. My brothers had a reputation for being studious with high grades. My sisters were average. However, everyone in the family, of my brothers and sisters, graduated from high school.
- C: Were you one of the older children?
- M: Yes, I was the oldest.
- C: What do you remember about your academic experiences in high school? Do you remember any instructors, anybody that stood out? How important were academics to you?
- M: The achievement in academics was very important in our family. I was an average student when involved with football, and when I had an opportunity to devote more time to studying I was a "B" student or sometimes an "A."

As far as teachers are concerned the only ones that I can recall were the taskmasters who insisted that you achieve the highest learning possible or suffer sometimes the consequences; sometimes it was a paddle. In high school you either studied or got out of the class. In short, I could always remember tough teachers and I cannot remember the easy ones.

- C: Do you remember their names?
- M: Yes. In primary school there was one teacher by the name of Mrs. Hamm. She exerted a lot of discipline and she was able to exert a lot of muscle in paddling. You couldn't forget her. In high school there was a history teacher by the name of Miss Hurd, and a mathematics teacher, Miss Hadley. They were both outstanding because they were intelligently attractive. In Youngstown College I could never forget Dr. Gould the Economics Professor. You attended his lectures and listened to his ideas. The textbook was only a supplement. In Law School I will never forget Knowles Wyatt, another difficult teacher, who would not hesitate to evict you from the class or the school if you could not listen and comprehend the subject matter.
- C: Did you have any academic preferences at that time?
- M: No. It was a situation where I didn't know where I was going, so any road would take me there, but I was sure that I had to go to college.
- C: Did they make you feel like you should know exactly what you wanted to do?
- M: They made me feel that I should know what I want to do, but I didn't. I think the reason for this is the availability of the college, the cost and the obtaining of money to pay school expenses. You must not forget that when I graduated from high school there was a disastrous depression, the first of its kind. There were no jobs, in fact the banks were closed, even the thrifty had no money. There was no welfare, and still the people managed to eat and live.
- C: What was the athletic program? Was it tough as far as organized sports in high school were concerned?
- M: The organized sports in high school at my time were football, basketball and track. Football training is always a disciplined sport, directed by a coach who must have discipline. You started your practice about 3:30 in the afternoon and you continued until about 7:00. When you go home and have your dinner you are not much of a physically active person to do much studying, in fact you want to sleep.

I thought that I was fairly good in football. I did receive a football scholarship from a few schools. Such scholarships were not really respected among other schools and industry.

In fact, it was almost illegal. I was instructed by a recruiter to go to Ohio University, register as a student, and go to the assigned dormitory where I would eat and live. I was not required to pay anything at any time. I examined this and found out that it was true. However, if you were not the qualified athlete they thought you were, or that you were disenchanted with the program, the payment of your tuition and room and board would be terminated and you had to come home.

At that time because of the economic conditions my father urged me not to go but to assist him in the family and family program to survive. I thought that it would be better to go to school and I could eat and live on somebody else and save the expense.

By the way, I weighed about 180 pounds and played tackle. Today I doubt that I would be received on a team unless I weighed 200 pounds or more.

- C: It's amazing the difference between then and now as far as weight is concerned.
- M: That is correct. I conferred with a present day coach who knew me when I played tackle at East High School, and he told me that the present day end is like a tackle in the days of my playing football and the weight is much higher than 200 pounds. By the way, we had a rule on substitution. A player if removed in one quarter could not be replaced until another quarter, which meant substitution became a device and a play of the game.
- C: What sticks out in your mind most when you think back about those early years? Growing up on the East Side?
- M: What sticks out in my mind the most is that I was attracted to sandlot sports such as small-fry football and basketball and also tennis and swimming. Lincoln Park Recreational Grounds was the source of my education in these sports. When I went to high school I had a fairly good background from instructions received, as little as that turned out to be.
- I was also a voracious reader. In a bad weekend I would read between two and four good books. However, we had no interference from television and very little from radio.
- I will never forget coming out of high school and into this economic disaster called the Depression. It upset my mother and

father to the point where they were in fear that there would be no food coming into the house. As I said before, there were no welfare departments; there were soup kitchens and an agency called The Allied Council where you could get a grocery order. Outside of those situations you had to earn it.

C: Did your athletic activities stand out in your mind more than the academic part in high school? Was that more important, did you kind of concentrate your efforts, both on the sports and academics?

M: That's a very difficult question to answer. You have to go to school; it's the least. You had to study in order to make a grade or you couldn't pass. Nothing could be more disturbing to my parents than a failing grade. They thought that they were giving me more than I was entitled to normally, because they never received that much education. They wanted you to play football and the football coach didn't think too much of grades unless you would not be able to play football because of the grades. There was an interference in the various subjects which required up-to-date study of the subjects. For example, if you missed a class or did not study for your math subjects you were lost unless you could obtain some tutor to assist you. I usually relied upon one of my aunts to assist me, in bringing me up to date for the test. Those are the things that I can remember.

C: After high school where did you go to college?

M: I went to Youngstown College which was the closest and the more economical. Since there were little or no places of employment and the money which would come from such employment, I had to wait until I obtained a job. Then I knew that my education would have to be obtained on a part-time basis and employment.

I examined the scholarships available at various universities and found that there were several available if you wanted to be a minister of the gospel. I related before about the football scholarship which I had to refuse. I still think I could have attended that University and played football and obtained a so-called "free education" if you wanted to call it that.

I also considered obtaining a job in government by way of politics. I noticed that the employees of government worked through the Depression which meant that there was a great

amount of security. So I planned to obtain a job in government by becoming involved in the political process. The first thing I was required to do was to run for Precinct Committeeman of the Democratic Party and I won the election. I became involved in the Party and worked hard and achieved some level of success. I was appointed to the Executive Committee which means that the governing body of the Party carries on the Party's policy and program.

I made application for a Civil Service examination for City Fireman. I was told by a Party leader that I probably would receive the job. I wanted this job because it would be very easy to study. I thought that the firemen did little or nothing. I'm sure they didn't fight fires all the time and they slept at the Fire Department building. Another Party leader suggested that I take the policemen's examination which would act as a hedge in the event that the firemen's position would not be available or they would say that if I had the policeman's job examination, I could have gotten at least a policeman's job.

In the meantime I obtained a policeman's job at United States Steel which was a good source of instruction for fire fighting and police work. I received specific instruction how to fight fires and how to conduct a police examination. I took both examinations, of fireman and policeman. I knew the fireman's test as well as anybody and I devoted all my time to its preparation, but my grading was about 100th on the list. The policeman's examination I knew little about or cared about, but I knew more than many because of my work. I came out third in the list but I rejected the job; I could not study on the job and go to school at the same time. However, a job as policeman in the mill proved to be adequate. There are times when a policeman is on guard or on an entrance gate when there is plenty of time to study or to do anything. So I entered Youngstown University as a pre-law student and I continued through pre-law and into the Law School and graduated from the Law School and entered the practice of law. Your next question would be: How did you decide to be a lawyer?

C: Yes.

M: When I was attending Youngstown College in pre-law I happened to be on my way to Geneva-on-the-Lake for a little vacation. I was hitchhiking a ride to the lake where several of my friends had a cottage. I was picked up by an interesting automobile driver who began to ask me something about myself,

which was something like this discussion. He informed me that he was a heating engineer and involved in manufacturing and selling gas furnaces or conversion units. He stated that that was the business of the future, and the gas furnace was economical and clean, and that he had a good business. However he said that, "If I had to do it all over again I would be a lawyer. I can do any business I want to if I am a lawyer and know the legal implications. I could hire a specialist like me or any other business to do the work. In addition, there are many jobs in government available to a young lawyer." In other words, he said that he could run a business better if he was a lawyer.

C: What was pre-law like?

M: Pre-law is nothing but Liberal Arts after you choose it but at Youngstown University there were not so many courses available and you had to take what they had. There was no specific requirement to take law. Although some advisors suggested that the School of Accounting would be the better place for a budding lawyer. If you are going to represent a businessman it is better that you have a working knowledge of accounts.

C: Do you remember the first year that you went to Law School?

M: Yes, I do. The first teacher I had was Judge Gessner, the Dean of the Law School and the teacher of contracts. He was quite a popular man in this area. He was quite a speaker and a competent Judge.

C: How did you get involved in the war?

M: In the first place I, like everybody else, was involved in the Draft. I had a very high number. It was predicted that I would be one of the last ones to be drafted. I felt that I should wait for the Draft and not ask for catastrophies of war. I conferred with Dr. Gould, like many others, because he was a veteran of World War I and a Naval officer in the Intelligence Department. He became quite a lecturer on the war. He informed us that according to the statistics of World War I, we would have a six to one chance of coming out of the war without any injury or death, and he thought that that was pretty safe. And while the war was in progress he made quite a few predictions as to the course of the war, especially as to the battles which would arise because of the various Navy blockades.

As war progressed many changes were invoked to grant further exemptions to married people, and I could see that my so-called number was just about up. At the same time one of my classmates who graduated from Youngstown had entered Georgetown Law School. His name was Paul Dean. He suggested that I make application to the Navy to be appointed as an officer, which could be done at that time without attending Officers' Training School. He suggested that this would be a better way of joining the armed forces because the military forces had established the entertainment and discipline of the armed forces as to an eighteen or twenty year old person. He informed me that it would not be receptive. He also stated that he, with many of his classmates at Georgetown, were involved in the procurement of officers and it was the Ensigns who were doing the appointing to the Naval Service following the directory of the senior officers. He suggested that I make my application at the Naval Procurement Center such as Cleveland or Chicago. I did and I was accepted as an officer in the United States Navy.

Someone convinced me that it would be better in the Navy because in the Navy the senior officer is on a ship directing the naval battle. If the ship goes down it also takes him; whereas in the Army the general is usually far behind the lines and he does not receive the direct consequences of his decision by bombardment. This may be facetious but it's attractive.

Anyway, I went into the Navy.

C: Were you able to go in as an officer?

M: Yes, as I said before.

C: Could you tell us something about your military experiences, on your training and so forth?

M: I started my training with an order to report to the Naval Base in Boston, Massachusetts. I was in for about six weeks, and received instructions in the fundamentals of gunnery training and the regulations of the Navy. I was supposed to be assigned to a transport which operated by civilian crew, with a naval gun crew, directed by such officers as I was to be. These ships usually traveled in convoys of about five hundred ships with naval gun boats as protection.

After the six week course in Boston, Massachusetts, I was moved to Gulfport, Mississippi, where the practical aspects

of operating and directing a naval gun was taught. It involved going out in a senior naval vessel, with instructions in the principal parts of the gun and giving instructions as to its direction and firing. After four weeks training at Gulfport, Mississippi, I was transferred to the Naval Base at New Orleans, Louisiana; received further theoretical instruction on the use of the guns and communications such as interpretation of the Morse Code by way of signal light.

It happened that I was sent out on a transport ship loaded with ten thousand tons of TNT, several airplanes and a railroad engine. It amazes anyone as to the capacity of these ships. We left Philadelphia. I was escorted by a small naval vessel and after I was out in the ocean for about fifty miles I was left alone and started sailing towards Iran by way of the Atlantic Ocean, the Indian Ocean, and the Bay of Bengal towards our destination. When I got pretty close to Cuba we were told that there were two submarines pursuing us and that it would be better for us to be secure in Guantanamo Bay. After a few days of concealment we were directed towards the Panama Canal and into the Pacific Ocean where we were supposed to be safe from submarines. After passing through the Panama Canal we headed towards Australia and arrived in Perth for further supplies and instruction. After a day or two in Perth, Australia, we left for Iran up the Indian Ocean and the Bay of Bengal. We were instructed that there was a German raider in the Indian Ocean with cruiser-like capabilities, that each of the transports leaving would fan out so that when it encountered the raider, a warning would be given to the other ships. The chance of survival was zero. The raider made sure that everybody was destroyed including any ship evidence, in order to avoid detection. However, I got through it all and landed in Iran where the ship was emptied under the directions of the Russians. I was interviewed by British Intelligence when I arrived in Iran. They informed me that at the mouth of the Bay of Bengal there were two Japanese submarines who did not fire at our ship because it was carrying Russian war supplies. However, on going out of the Bay they would certainly do everything they could to destroy it. I got in and I got out without any difficulty, and I was ordered with the ship to go to Bahia, Brazil, where we stopped for a few days, and was entertained by the Navy as much as possible. Access to girls was very limited as according to their custom the girl without an escort was somewhat of an outcast.

My next designation was Trinidad where we stopped for a day or two and then to New York where we disembarked for a leave and a new ship.

C: Was that your first?

M: Indeed it was. My next trip as a gunnery officer on a merchant ship was to the Mediterranean area where I was assigned with the ship to an area for the transport of goods and troops in preparation for the invasion of Southern France. I was involved in the invasion but it was not like the invasion from England to France on D-Day. I was assigned to the Mediterranean convoy area for about nine months. When I was ordered to return to the United States I had orders to continue naval service at the Great Lakes Naval Base where I was assigned to shore duty. I informed the officers in charge in New York that I would rather stay abroad since I was adjusted and at that time the convoys were accompanied by cruisers and flat-tops and many airplanes.

C: When were you discharged from the United States Navy?

M: November 1945.

C: After you were discharged did you go back to law school?

M: Yes. I had about six hours of law school study remaining. It took me about a year to complete my law school because the regular order of courses to be taken had been upset by those law students who accelerated their law school training in order to go into the Armed Forces as a graduate. In addition, because of the long separation of my law school training I had to take a law course quizzer in Cleveland, Ohio, in order to be prepared for taking the Bar.

C: You said that you were working as a policeman with United States Steel before going into the service.

M: Yes.

C: Did you have much time for study?

M: Yes I did. When I was working the night shift on 4 to 12 or 12 to 8, after the employees entered and departed the mill at shift change time, I had four or five hours to devote to studying.

C: Could you tell us something about your political experience.

M: My political experience was short because I had to enter the Armed Forces and quit my term of office as a Democratic

Precinct Committeeman. Just before I went into the service I joined a political force who was planning to take over the Democratic Party with their slate of officers. As a member of this force I recruited several precinct committeemen as candidates who were attending Youngstown College. I campaigned in the lounge where almost everybody met. All my respective candidates won including others who were a member of this force to change the complexion of the Democratic Party. My reward was that I was appointed to the Executive Committee. The Executive Committee is the guiding force of the Democratic Party when all of the precinct committeemen are not assembled together.

My first experience was to listen to the prospective candidates who were running for Mayor of Youngstown. Each candidate told about his background which would enable him to be a successful candidate and he also spoke about his financial backing. The candidate the Executive Committee selected had a good background as a lawyer and a former political office holder. He also said that he had \$39,000 to start with in the campaign. He stated that in the course of the campaign this amount would double because various strong forces in the community like to be a part of the winner. A second candidate was almost as good but not so attractive. When the campaign was completed the second candidate won; he had too much money. He supplied many of the precinct workers with coffee, liquor and a sandwich wagon. He won. Quite a bit of money to spend for a job with a salary of \$10,000.

However, I learned that you cannot win without money regardless of your qualifications.

By the way, an interesting experience occurred when I was a Precinct Committeeman. I belonged to a precinct which was known to carry three to one in favor of the Democrats. When the precinct like mine responded to the estimated the party usually won. Hence more money was assigned to workers in my Precinct than to a Republican precinct. I recall when Senator Taft was running, his workers came into my precinct and paid all my workers plus others. He gave each one \$5.00 and told them to work for Senator Taft. I thought he was foolish. This would never be a success in a Democratic precinct; it was. Instead of the Democrats voting three to one for all candidates, there was an exception as to Mr. Taft; he won by two to one.

C: Could you tell us something about your association with the Mahoning County Prosecutor under Mr. Ambrose?

- M: I was appointed Assistant Prosecutor by Mr. Ambrose, an appointment which undoubtedly grew out of my political experience prior to the war. I was assigned to the Civil Action Department. Some people think that the prosecutor is completely involved in criminal action. The fact is that he represents all county departments in any kind of legal action. My office was required to bring civil action for the collection of taxes, and we did in my judgment an excellent job. We not only brought in some of the taxes which had not been collected for years but we sold the land at a price cheaper than the tax rate which enabled the buyers, who were usually contractors, to construct a home on the land which made it more valuable and subject to more taxes.
- C: I am also told that you were United States Commissioner. What is the function of such a position?
- M: I was appointed United States Commissioner by the Federal Judges associated with the United States District Court in Cleveland, Ohio. The United States Commissioner is the preliminary Magistrate for the United States District Court in Cleveland. All prisoners arrested were brought before me for the purpose of posting a bond and to have a preliminary hearing on the probabilities that a crime had been committed and that the defendant was probably guilty. The job as United States Commissioner has all the same duties with the United States District Court as the County Judge does for the Court of Common Pleas of each county.
- C: Was that a hectic period?
- M: No. The United States Commissioner was usually involved in bootlegging cases, violation of the firearms law, bank robberies, theft by mail and theft of Social Security checks. There were five or six agencies involved in the apprehension of such criminals, such as the FBI, United States Secret Service, United States Postal Service, the Alcohol and Tobacco Tax Division and, by the way, one would not transgress the area of prosecution of the other. I have always thought that if all these police forces were merged, money would be saved.
- C: Is it hard to change procedure if you saw a way to process a claim in a better way?
- M: Yes. The laws of procedure must be adhered to as well as the laws of substance. The best way to explain this is the same way my law professor described it to me. The laws of procedure are like a spoon in which you are about to eat the

soup which is the substance. Without the spoon there is very little approach, if any, to drink the soup. In addition to that there would be no efficient organization of the criminal departments, or the civil as far as this is concerned. In fact, while I was United States Commissioner they passed a new bail bond law for the purpose of easing the release of jail under bond. It took them five years of study which resulted in a more efficient bail bond. However, the lower courts are drifting back into the old idea, that if you leave the criminal out he will go out and commit more crimes, which is probably true in a few cases but not all.

- C: I am informed that you are a referee in the Mahoning County Court of Domestic Relations.
- M: That is true. The referee is appointed by the judge to hear cases assigned to the referee which the judge considers effective as a means of expediting the trials and to further justice by eliminating delay. The referee must make findings and recommend the judgment to be rendered because of the findings. If one of the parties object and appeals, the judge then listens to the matter to be adjudicated.
- C: I am also informed that you ran for Prosecuting Attorney.
- M: Yes I did. In 1955 I thought I had enough experience in the office of the prosecutor to carry on the work. I did not have the necessary money, but I was running in the Primary where if you win the Party, of course, provides all the necessary finances. There were several candidates running for this office and inasmuch as I was the candidate with the least amount of money, I probably received the least amount of votes. Through the course of the campaign I realized that there were at least two candidates who had unbelievable amounts of money to run for the office of prosecutor. I refused to be actively involved because I knew it was a waste of money to try to defeat a greater amount of money.
- C: I've read quite a few Vindicator articles about the Delinquent Tax Department. Do you remember the issue when there was a hassel how the office should be replaced - then the Republicans came in, appointed another staff and there were two staffs at one time?
- M: Yes, Attorney Tom Beil won the election as prosecutor. That usually means all the assistant prosecutors would be replaced by Republicans. However, the way the assistant prosecutors in

my office were appointed was by an agreement between the Commissioners and the Prosecuting Attorney. In order to discharge the appointees under such a law it would be necessary to discharge all the parties in the same manner. In other words, Mr. Beil and the Commissioners had to get together to dismiss us and then hire its own. The real technicality was we were carried on the Commissioner's budget and not the Prosecutor, which means quite an undertaking when it is on your budget.

C: I notice you are quite active in the veterans' organizations and you were a commentator on the Veterans' Show?

M: Yes, I have been associated with the United Veterans Council since about 1952. United Veterans Council is an organization of veterans' organizations in which all veterans' organizations who become members assemble together to perform a community program in a high organization level. In other words, there were twenty-five organizations belonging to United Veterans Council which can assemble quite a bit of clout if such is necessary, in addition to performing a community service in a high community level. In addition, United Veterans Council sponsored a radio program on Station WBBW. It is a 15-minute broadcast on veterans' affairs. I cut a broadcast tape every Friday at 1:30 and the program is broadcast at 11:30 on Sunday morning. I have been doing this for the past twenty-five years.

C: Let's talk about Youngstown College School of Law. What do you remember about your instructors, which ones stand out?

M: To begin with, the Dean of the Law School was Judge George Gessner, a very prominent Court of Common Pleas Judge of Mahoning County. The other professors were all practicing attorneys, such as Ray Falls, Henry Church, Knowles Wyatt, and a few others I can't remember their names. The principal force of Youngstown Law School was the practical application of the law. During the course of study you were acquainted with the substance of the law and at the same time a professor was teaching the practical application of the study in regular law practice. In a school of this nature the procedure becomes a very important element of law school training and it is stressed. It's very easy to lose a lawsuit because of the failure to adhere to the laws of civil or criminal procedure.

There are two approaches to the construction of law. You have the case book theory in which the legal principles are demonstrated by an actual case which has been selected by the many

cases adjudicated in this state or any other state which follows pretty closely the laws of Ohio. There are also law schools who have adopted the textbook theory of instruction which I am sure is effective, but I know that there are students who cannot adapt to the case book theory and leave law school. Some of them do not return, others find out about a textbook theory of instruction and change law schools and are very successful.

Youngstown College School of Law was very difficult. I think the class for each year did not exceed twenty-four. As time went on there were about fifty percent resignations, which meant that you many times attended classes where there were only three or four students. When you have the case book theory you may have to recite eight or nine cases a night and prepare for them at all times. Some professors understood the burden and would forgive if you missed a case because you were not prepared. There were others who would suggest that law school was too much when one was working. There was one of the law professors by the name of Knowles Wyatt who would order you out of the class and required that a consultation with the Dean be undertaken before returning. Judge Gessner understood the student and the man and usually demanded that the student be received back in class. However, this was upsetting and you couldn't do it too many times and succeed.

C: Do you remember the students and something about them?

M: Yes, I can remember some of the students. However, many left for the purpose of going to another school with the idea of graduating before entering into the Armed Forces. Judge Reed Battin, Trumbull County, was a classmate of mine and he was a very excellent student. Some of the local judges were a year or two behind me and have done quite well. They are: Judge Clyde Osborne, Judge Forrest Cavalier, Judge Leskovyansky, Judge Jenkins. In addition, there are quite a few practicing attorneys in and about Youngstown and Warren who have done quite well. Youngstown Law School was a law school which provided thorough training. It took eighty-five hours of study which is about the maximum required by many law schools in the country. At the time there were many law schools who graduated students with sixty or sixty-five credit hours. In other words, they covered some elective courses which were beneficial to a practicing attorney.

C: Would you be in favor of reinstating a law school at Youngstown? Do you think the community could use a law school?

- M: I would be in favor of re-establishing a law school but first we must consider why the law school was terminated in the first place. We were informed that in order to be recognized as a law school you had to have four full time professors and an acceptable library. Youngstown College had an acceptable library but there were no full time professors. After a period of time the accreditation of Youngstown Law School was removed and the school had to terminate. There are many practicing lawyers in the community who were satisfied because they thought there were too many lawyers coming into the Youngstown area to practice which may have a detrimental effect upon the person and the practice.
- C: What changes do you think could have been made at the law school which would have made it more rewarding for you?
- M: I can't think of any changes which would be beneficial to a part time law school. I am certain that if a law school became a full time law school, or a part time law school and a full time law school, many changes could have been involved which would have been beneficial. For example, one of the two parts of law school training is the research conducted on various legal principles. This is the background for the establishment of a Law Review. The articles of a Law Review are read by prominent judges and lawyers in the field and attract such people to review the law school students for their office as judges or practicing lawyers. There were no such offers to students as Youngstown College Law students.
- C: Do you think you were prepared to practice law after you graduated?
- M: I certainly do. I think that I was more prepared to begin the practice of law than students entering the practice of law from prestigious law schools. I think I said before that the practical aspects of the practice of law were stressed because we had practicing attorneys teaching law. Many times they would demonstrate how this principle would be processed in the courts in order to be a success in this community. Many times we reviewed and composed complaints, answers or replies along with the study of legal principles. This was very beneficial when I began to practice law. I was acquainted with the written procedure and the complaints required to get into the law courts. You must remember that the courts just like a baseball team do not start until the pitcher throws the ball. The pitcher in a lawsuit is the lawyer, not the judge. So no matter what they say about the lawyers, it is true that everything accomplished has been by the research and study of a lawyer who studied a lawsuit and a legal principle.

In fact I will say, finally, that if it wasn't for Youngstown Law School I would never have been a lawyer.

C: By the way, what about the Bar Examination?

M: It was the most tremendous and upsetting thing that I have ever encountered. As I said before I had to take a quizzer course in order to prepare for the Bar examination. The quizzer is a group of lawyers who have reduced all the legal principles covering almost every subject, to a question that may appear on the Bar examination. They have a unique way of instructing. They demonstrate by lecture and the facts of the case in order to show the judgment of the court which would prevail in the State of Ohio. They really have it down in a simple and concrete application.

When you take the Bar it covers a period of three days with a morning and an afternoon session. Taking the Bar is not so upsetting as to reviewing the questions and answers after you have taken the Bar. You are certain that the argument of a fellow student is correct instead of yours. After the first day of the Bar examination I refused to discuss the questions and answers with anybody, and from then on I think I became a success. There were five of us who left from Youngstown to Columbus to take the Bar. On the way home after I heard their answers I came to the conclusion that if I passed they must have failed or vice versa. I passed and, by the way, over fifty percent of the applicants taking the Bar failed in the year 1948. I was one of the lucky ones.

C: Could you tell us something about your conception of justice and do we live in a just society?

M: I think our conception of justice is good and that we do live in a society which cares about justice. One thing we do know is that both criminal and civil actions are almost always subject to a jury determination. The only deterrent that I can think of is the money and the cost of justice.

When I first started to practice law we were selected by the judges to defend a criminal at no charge. Now all of the lawyers receive a fair compensation for a representation in a criminal matter. They are also expediting the trial of criminal cases. In many types of cases the trial must be held in ninety days or the case is dismissed; others would be one hundred twenty days and the same thing happens. So we are hurrying justice and helping in the cost. As far as the

civil matters are concerned, it takes a lawyer who has the fortitude to absorb the expenses in a trial in which he may lose, yet he must pay the costs involved in the conduct of a law practice.

C: Would you like to express your views on capital punishment and abortion?

M: My view on capital punishment is that it should be adopted. In my judgment I do not think it is good that a life is taken by one person without fear of that person's life being taken. I think it is a deterrent. I know professional criminals consider the consequence and the punishment of crime. Today we have organizations of a criminal nature whose main function is to kill. In other words, you can hire a criminal. The criminal performs his job in a professional manner, and he also conceals his methods of detection and escape. He is very seldom caught. When I first began to practice law there was an organization in New York called "Murder Inc." and their function was to kill anybody at your request for a consideration. In the event that the person to be killed could be insured and the beneficiary had insurable interest, they would purchase the insurance, kill the person and collect the proceeds of the insurance from the beneficiary. They encountered a beneficiary who didn't want to give up the money, and the discovery of the organization was brought to light. I don't think that a group of this kind should escape the punishment that they made a business of. I could go on and on and tell you about people and organizations whose work is devoted to killing people because they think it's effective to accomplish their purpose.

C: If they think it's effective, why doesn't the government?

M: Let's talk about abortion. There is no question that before the latest Supreme Court determination was announced, abortion was flourishing with the aid of incompetence. Also, in other respects, abortion was carried on with approval by various professional doctors who were sympathetic toward the plight of the women. For example, what about a woman who has been raped and the so-called pregnancy imposed upon her against her will. I think that such an abortion should be permitted. In addition, there are times when an abortion would have to be carried out in order to save a woman's life. I think that she should have the right to decide whether she should live or die. In brief, there are certain aspects of abortion which I believe in and I am sure a great majority of the people are of the same mind. It is my judgment that the application of the abortion laws today will continue for a long time to come.

C: Can you tell us something about your own family.

M: Certainly. I am married, with three children. My wife, Anne, before marriage taught school in the Lowellville School System. My daughter Margaret is married and associated with the Cleveland School System as a Speech and Hearing Therapist. She graduated from Kent, with a Master's Degree from the University of Denver. My son Edward is a graduate of the University of Michigan and is now employed as a district salesman with Commercial Shearing, Inc. He obtained a football scholarship to attend Michigan, as an outstanding football player with Cardinal Mooney High School. My son Thomas is a senior at Kent State University, where he is majoring in Business Administration.

End of Interview