

YOUNGSTOWN STATE UNIVERSITY
ORAL HISTORY PROGRAM

Youngstown Law School Project

Youngstown Law School Graduates
O. H. 56

MR. JOSEPH HIGLEY, JR.

Interviewed

by

Paul Carlson

on

April 15, 1977

JOSEPH HIGLEY, JR.

Joseph Higley, Jr., born September 21, 1901, in Youngstown, can trace his family roots back to New England in the year 1647. His parents are Joseph Nelson and Grace Creed Higley. His grandfather was born in 1833 and became Mayor of Youngstown before and after the Civil War. His father was Assistant Editor of the Youngstown Telegram.

Mr. Higley helped convert the Jefferson High School into a make-shift hospital during the November 1918 flu epidemic, and as a receiving orderly, helped care for three hundred and seventy-five patients, of which nine died the first night he worked and ninety in total.

Soon after he was admitted to the bar, Mr. Higley tried an important case for the Ruffalo and Wall law firm before the Ohio Supreme Court, and he tried the first airplane case in Mahoning County. He was defeated in his attempts to acquire a judgeship in 1941 and also in 1960. He was a Second Lieutenant in the Navy during World War II and he served on the staffs of Rear Admiral "Jocko" Clark and Rear Admiral Sprague. Mr. Higley is a 33rd Degree Mason and has been the editor of the Grotto Informer.

Mr. Higley belongs to various organizations including the Mahoning County Bar Association. His special interests are muskie fishing and writing. He resides at 1229

Kensington Avenue in Youngstown, Ohio.

PAUL CARLSON
May 13, 1977

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INTERVIEWEE: MR. JOSEPH HIGLEY, JR.

INTERVIEWER: Paul Carlson

SUBJECT: Youngstown Law School Graduates

DATE: April 15, 1977

- C: This is an Oral History interview with Mr. Joseph Higley, Jr. for the Youngstown State University Law School Graduate Project, by Paul Carlson, at the Mahoning Bank Building, on April 15, 1977, at 3:00 p.m.
- C: Mr. Higley, I read in one of the articles of the Youngstown Vindicator that your grandfather began practicing law here in 1858. Is this true?
- H: Yes.
- C: Could you tell me something about your background and your family?
- H: Well, the family stems from John Higley who came from England to New England in 1647. One of his descendants, Joseph Higley, went to Windham, Ohio in Portage County. He made the trip from Beckett by horse and wagon with his wife to whom he referred as "the woman." He kept a diary of his trip. My grandfather Higley was born in Windham about 1833. His name was Brainard Spencer Higley, and he attended school at Hudson Academy, which later became a part of Western Reserve. He married Isabella Stevens, who was the daughter of Dr. Frank Stevens from Hudson. She, by the way, was a graduate of Oberlin College. Dr. Frank Stevens was a country doctor who made his rounds on horseback. He delivered President James A. Garfield in a log cabin. Then my grandfather studied law and came to Youngstown and practiced here in 1858. At the time of the Civil War, he had been elected Mayor of Youngstown, which was then a small community. When

the Civil War broke out, Grandfather and all of the administration enlisted in the northern army. When they served their time, they came back and were reinstated. Dr. Stevens and Grandfather later went to Marietta, Ohio, on a business venture. That is where my father was born on September 1, 1868. They returned to Youngstown when he was eight or nine years old.

My father and mother both attended Rayen School in the old building. My father graduated from there in 1889, and then he studied law and practiced for awhile, but he liked writing, and was finally offered a job with the old Youngstown Telegram. Later he became an associate editor. When I was a small boy, A. E. Adams invited him to come over to the Dollar Bank, and that is where he was until he was up in years.

C: Was your father President of the Board of Education for awhile?

H: He was President of City Council, also.

C: Oh, both?

H: Yes.

C: Do you have any brothers or sisters?

H: I have two sisters; both are dead.

C: Were they older than you?

H: One was two years older and one was six years younger.

C: During your grade school and high school years, where did you live?

H: I lived on Clyde Street, where Fairgreen Avenue intersects.

C: Could you tell us something about your early experiences or influences?

H: In those days when I was a boy, there was no television or radio. When I was real young, there were no electric lights on our street, so we had oil lamps. We had a wood and coal burning kitchen range, a coal burning furnace, and of course as a boy, I always had the job of chopping kindling. We had a large garden. My father was fond of gardening. We used to spade that up in the spring. He was an excellent gardener. My grandfather Higley lived next door to us on the old homestead. He was also an expert gardener.

When I went to school, I started at Parmelee School and there were some excellent teachers. Then when they built Jefferson School, I was transferred there. Our principal was H. P. McCoy, a tall, handsome, gentleman and one of the finest teachers I have ever known. He made it a point to visit each room in the school at least one time in a term and would give us a talk. I can still remember some of them word for word. Later on he became an Ohio state senator, then became a lawyer himself. After I had finished law school, he became an instructor there. I will never forget him nor the teachers I had at Rayen School. Two of them were teachers who had taught my parents; they were still there. The principal was Mr. E. F. Miller, a remarkably fine gentleman and Mr. Herr was his assistant. Some others were Andrew Fleming, who taught English and history, Kate Smith, who taught Latin, Miss Baldwin, who taught mathematics, and Mr. Andrews, who taught Spanish and general science. They were a remarkable group of instructors; people their students won't ever forget. I think, if I may say it, that it is rare to find that caliber of teaching in the high schools and public schools today.

When I was a young boy, we tried everything. We ranged all over the area. In the fall, we went out hunting mushrooms. We would walk as far as five miles out into the country before school. We would go out in the fall of the year to gather hickory nuts, walnuts, and chestnuts. We never missed a circus. The circus grounds were in Shooks' Field, about where Covington Street now meets Foster Street. There they had the 101 Ranch, Barnum and Bailey Ringling Brothers, and Buffalo Bill Circuses. In those days, it was expected that a boy would not be at school, but he would be up at daylight to get down to Westlake's Crossing, watch them unload off the train, follow them up to the circus grounds, and then get a job doing something around there for a pass. Some of the boys, though, crawled under the canvas. On one of these occasions, Herb Ulrich and I got a job unloading the sideshow. We hauled out some of the canvas and some of the stakes. There was a big wooden box the size of a trunk with rope handles on it. We lifted that off the back of the truck and started toward the sideshow tent. I said, "I wonder what is in this?" We loosened the hasp, raised the lid, and a boa constrictor stuck his head out about four feet. The box was full of snakes. We jammed that lid down, and we weren't too inquisitive after that!

C: Mr. Ulrich was a boyhood friend of yours?

H: Yes, all seven of them. There was Vicent, Herb, Fred,

Frank, Richard, Bill, and Little Joe, who died when he was five years old.

C: During your high school years, did you play sports?

H: I went out for football, but I wasn't heavy enough, so I was on the second team. Our first team, I remember that year, had Doc Elliot, Nick Mardacci, Red Rickert, Eddie Hogan, Ray Hogan, and Lynch. Out of that group, Doc Elliot went on to be an all-American, eventually played professional football with the New York Giants, and is in the football Hall of Fame. Nardacci went to West Virginia and I believe he made all-American. Eddie Hogan went to Notre Dame and he also made all-American. That was the formidable array that I was getting bumped by.

C: I would say there was quite a bit of competition there!

H: Yes, there was.

C: What year did you go into law school?

H: I started in 1923.

C: What were the requirements to get in at that time?

H: They were far less stringent than they are today. As I recall, it was a high school education and two years of college that was required. In some states, they had very few requirements. For example, in Indiana they didn't require any certification from a law school, but a person who had studied law could go before a judge and upon motion of a local attorney, who had certified that he had studied law, the court would admit him to the practice. Before my time, a person could study with a recognized law firm or lawyer and be certified to take the bar exam. They are much more stringent today.

C: What were the subjects that were most interesting to you in your early years?

H: Do you mean in school or law school?

C: What seemed to be your preferences previous to law school?

H: I always liked English and did a lot of reading. I found it easy to memorize some of the classics and poems. I liked history, geography, science, and chemistry. I liked Latin, and strangely enough, took four years of it. Mr. Frank Tear taught Cicero and Virgil. Then I went up to Western Reserve and took ancient history and biology.

In Rayen, I had taken algebra, geometry, and trigonometry. So they signed me up, much to my chagrin, for calculus. That was tough. I was able to pass the course. The teacher flunked 98 out of a class of 120. We had a tough professor. Then I took a little French.

C: After attending Western Reserve, you spent three years on the editorial staff at the Vindicator. Is this correct?

H: Yes, that was while I was going to law school here.

C: Did you work on the Vindicator staff during the day and attend school at night?

H: Yes. At the Vindicator I had night assignments on practically every night that I didn't attend classes. Among other duties that I had at first, was doing the weather report. Will Magg, Jr. took me down and showed me how to use the relative humidity thermometer out in the street. At a certain hour, I had to make a story on what the weather would be the rest of the day and night, and also give the forecast for the next day. Then I had to cover, (at that time Campbell was in East Youngstown), East Youngstown's police, fire department, and city council, and Lowellville's police department and village council. Those council meetings were at night. It was a busy assignment that I had.

One day Mr. Magg told us that since Esther Hamilton was writing an interesting column on the Youngstown Telegram, he wanted every member of the staff to write a sample column, and would appoint someone to write a daily column for the Vindicator. We each had to submit a column, and he appointed me. I wrote that column for the rest of the time that I was there.

C: When did you get the incentive to become a lawyer?

H: It had been in the back of my mind for some time. In the beginning, going back to November of 1918, we had a terrible flu epidemic. At that time, my inclinations were towards becoming a doctor.

During this flu epidemic, all of the schools, churches, theaters, bars, and public places were closed. Mr. E. F. Miller, the principal of Rayen, called me up and told me that they were going to make a flu hospital out of Jefferson School. He wondered if I could get some of my friends to volunteer to go over and help. The first job was to start at seven o'clock the next morning. We were to go over, help the custodian unscrew the seats, store them somewhere, and make room for cots and so forth. So

I said, "Sure," and got Vincient Ulrich, Herb Ulrich, Jack Williams, and Avery Williams to help out.

We all went over there at seven o'clock in the morning and worked from then until about three o'clock in the afternoon. Father Griffin came over from St. Elizabeth's. We had the cots there and some medical supplies and he said, "Our first patient is on his way. Who will receive him?" I said, "I will." He then asked, "Are you afraid of the flu?" I replied, "No." So all of us agreed. We received the first patient, who was brought in with a dying condition. They had one nurse on night duty. This first patient died. I had the preliminary job of laying him out, washing him, and calling the undertaker. From there on, we worked all that night and every night while the epidemic lasted. Father Griffin named me chief receiving orderly. It was a horrible thing. We had as many as nine deaths in one night. It would be my job to get them ready, call the undertaker, and then since the ambulance driver usually came alone, I'd have to get on the end of the stretcher and haul them down into the wagon. A circle of neighbors, maybe a hundred, would be in the background curiously watching us bring these corpses out. I think we had 375 or 380 patients during that time with 90 deaths, most of which occurred at night. The thing that I think saved us, of course the guardian angel must of had his hand on our shoulders, was the courage of the school teachers who had volunteered despite their fear of the flu. They only worked preparing bandages, but I understand that five of them came down with the flu and three died, not at Jefferson, but at South High School.

The saving factor up at Jefferson was that they obtained Archie Thomas, the Negro chef from the country club, and he told me that my orders were to feed the workers and feed them well. He had two or three domestic science teachers from the high school as his assistants. I never ate so well in my life and never will again. There will never be another chef like Archie Thomas. We would finish off the night's work and get a breakfast that was fit for a king, go home, go to bed, go back over there, and get our supper. Then at midnight, we'd get another banquet and another one at six in the morning.

We would have a doctor on duty once a night. We had to administer the medicine. The nuns took care of the patients in the daylight, but us boys and one registered nurse did the work at night. Once in awhile, a patient would need some type of minor surgery, and I would have to go down to Riley's Drug Store, wake up Mr. Riley, get a prescription filled, bring it up, and assist the doctor. Not one of us boys got even a sniffle from the flu, and yet people were dying all around us. We handled it. We had to wash them, feed them, change their beds, and carry out the

deceased. It was while we were there that World War I ended. They had the big celebration; first the false celebration, then the true one. After everything was over, my desires to become a doctor faded away.

C: What influences shifted you towards your interest in law?

H: Naturally a young boy would say, "I would like to be a lawyer like my father and grandfather." I wanted to follow the footsteps of my father and grandfather, so to speak. I just had no real desire to study medicine. I enjoyed reading. In fact, when I attended Western Reserve, I actually was signed up as a pre-law student. I was too young to seriously know what I really wanted to do.

C: Was Ruffalo and Wall the first law firm you worked for?

H: Yes, it was.

C: Could you tell me about some of your experiences with this firm?

H: John Ruffalo will always have my admiration. He was a handsome man with a beautiful baritone voice and bright dark eyes. The thing that impressed me then, and I still recall, was that at all times John Ruffalo had perfect control of John Ruffalo. When he tried a lawsuit, it was like a concert violinist playing the right notes at the right time. If the other side got rough and vicious, he got calmer. He was a remarkable trial lawyer.

In this one instance, he had a case in the Common Pleas Court for a man driving a team and wagon. The wagon was hit on a railroad crossing out in the country. He sued and the case went to the Court of Appeals. He had won a verdict in favor of the plaintiff. On the day that the Court of Appeals was going to announce its decision, the presiding Judge said, "I have here a clipping of a decision by the United States Supreme Court that holds when a person in a vehicle approaches a railroad crossing, he must stop, look, and listen, and if need be, get out and go up on the track to ascertain the approach of a train. It is his duty to stop for the train, not for the train to stop for him. In view of this decision, which I think is authentic because it bears the Associated Press Label, the case is reversed." Mr. Ruffalo then had me prepare a brief for the Ohio Supreme Court. I did, and much to my surprise, when the case was to be argued in the Supreme Court the following day, he handed me the file and said, "Joe, I want you to go down and argue this in the Supreme Court." I replied, "Me in the Supreme Court?"

He said, "Yes, that is the only way you will learn." So I took the Pennsylvania sleeper train at the Spring Common Station at night. They pulled into Columbus and let you sleep until seven-thirty in the morning. Then you got up, got ready, went out, had breakfast, and walked to the Supreme Court. We all took our places and the court was called to order. It came my turn to argue. Among the exhibits were some photographs we had taken after this accident to explain why the driver didn't see the train coming 60 miles per hour. There were smoke stacks from a factory near there emitting black smoke. Florence Allen was on the Supreme Court Bench at that time. (She was the only woman who ever sat on that bench.) She pointed to these photographs and said, "I see this black smoke pouring across this crossing. Could it be that it is blowing that way everyday?" I remember saying to her, "The westerly winds are prevailing." They all laughed. Then one of the Justices said to me, "What do you think about the decision of the United States Supreme Court in the B & O Railroad case?" I replied, "I think that it is wrong. They say that the driver should stop, look, and listen, and if need be, get out of his vehicle and go up on the track and look both ways. Now if a train is coming 60 or 70 miles an hour, if he doesn't see anything when he looks, he has to walk back 15 or 20 feet, open the car door, get in, close the door, turn on his starter, tramp on the starter, get the engine going, put off the hand brake, shift it into gear, and step on the gas. Where is that 70-mile-an-hour train now?" They laughed, but they sustained the Court of Appeals. A reporter for a Columbus paper came out that night with the headline: "Higley Upset U. S. Supreme Court." I got a kick out of that.

- C: Did you seek the Municipal Judgeship in 1941?
- H: Yes, I thought I would give it a whirl.
- C: Do you have any other recollections about that period or race?
- H: No, nothing of any importance.
- C: Okay. Did you enter the service in 1942?
- H: Yes, I did.
- C: Have you any recollections about your military experience that you would like to discuss?
- H: Well, I had been too young to get into World War I; I wanted

to get into World War II. I had quite a time because they turned me down everywhere on account of age. Finally, I found out there was to be a conference with applicants to be held in Columbus by a commander from Grosse Isle Naval Air Station. I went down there with a friend, and fortunately, I passed the physical. I was the only one out of 32 applicants who had perfect 20-20 vision. I received a recommendation from the commander, eventually got a commission, and was sent up to officer's training at Quonset Point, Rhode Island. Up there, one of my classmates was Richard Nixon and another one was William Rogers, who became Secretary of State. The training was very, very demanding physically and mentally. It was a rough experience. In fact, it was rougher than the war, but we got through it. The commandant called us all in separately. When I was called in, he asked me, "What would be your choice if you had your choice of duty now that you are leaving here?" I told him I wanted the combat zone in the South Pacific and he almost fell off his chair. "Why?", he asked. I replied, "I have a holy horror of being stranded in Peoria."

After this, a good friend of mine and I both got orders to first report to Moffet Field Air Station in Sunnyside, California. We went out together on the Super Chief. We arrived in Sunnyside, went into the administration office, and found there was a five room bungalow on base for each of us. While the commandant was checking our orders, a dispatch came in from San Francisco from the admiral, and it stated that both of us should be returned to San Francisco immediately. We went to San Francisco and there we were assigned to an outfit at Treasure Island. We stayed there until that was ready and then I was sent with another officer from Atlanta, Georgia, to the Army Engineer's Camouflage School at Riverside, California. We went through some intensive camouflage training. Then they sent an orderly out to us. We were both to report immediately and without delay to the admiral in San Francisco. We took the night train up to San Francisco. From there, we were eventually ordered to San Diego's Naval Air Station, and then to the South Pacific.

C: During this time, weren't you hospitalized?

H: Yes, I got malaria. It didn't show up until I came home on leave in 1944. I was taken to the Marine Hospital in Cleveland. I was treated there and then released to my next tour of duty, which was the naval air station at Pasco, Washington. I had two relapses while in Washington. The last time I damn near died. Finally, a naval medical officer, a great big husky guy, who used to play football

for Oklahoma, helped me out. He said, I know something about malaria. We have it down in our country. I am going to cure you," So he gave me tremendous dosages of quinine daily and took blood samples from my finger. In eight or ten days, there was no sign of any more plasmodia, and I didn't have anymore attacks.

After I came home, I think it was in 1947, I thought an attack was coming on. I went to the drug store and got quinine. Out of the South Pacific, we had atabrine, a synthetic substitute which would stall malaria off, but it wasn't as effective as quinine. When I got that threat of an attack in 1947, I took five grains one day, ten grains the next day, fifteen grains the day after that, and twenty grains on the last day. After that episode, it has never returned.

C: Did you serve on the staff of Rear Admiral "Jocko" Clark?

H: Yes, I did.

C: Didn't you mention Rear Admiral Sprague, too?

H: Yes. I got acquainted very well with both of them, particularly with "Jocko." He was a character. My commanding officer of the outfit that went to the South Pacific was a classmate of "Jocko" Clark in the naval academy. I guess they and "Thirty Knot Burke" were really known through the seven seas when they were young, rough-and-tumble officers. When "Jocko" Clark had to take a flight, he would say, "We will leave at 0800 tomorrow, God willing and weather permitting."

C: Could you tell us what a typical day was like at Youngstown Law School? Would you work on the Vindicator Staff during the day?

H: Yes, I would go up to the Vindicator for three hours. I have some fond recollections of those days. In regards to law school, my great memories are of the instructors that I had there. Some of the teachers were men like Henry Church, who after being a teacher, became a city solicitor, Jessie Lightinger, who later became a prosecuting attorney and city solicitor, Knowles Wyatt, who had been one of the finest teachers, and who had taught at Coewe d'Alene, Montana, Judge George H. Gessner, who had been the head of the school and was a former country school teacher, and H. P. McCoy, who was my former principal. Now these men were dedicated teachers early in their lives, and not only that, but everyone who taught up there was active in the practice of law and making a living out of it. Bill Swanson,

who was from the firm of Hine, Kennedy, Manchester, Conroy, and Ford, Dick Wilson of Wilson and Wyatt, and Judge Clifford Woodside of the probate court, who taught probate law, can also be added to this remarkable group. I think anyone who attended that school was fortunate because of the character and qualifications of those men. I haven't named them all. My memory is a little foggy in some of those respects, but each one was a successful practitioner in his own right.

C: What was your favorite course? Did you have a favorite course?

H: I can't say that I did. Of course, with a young fellow, criminal law generally has some kind of appeal because crimes are, let's say, a little more spectacular in nature than a breach of contract. I can't say that I had any particular one that was most attractive.

C: Were your classes very demanding? Did you have to spend a lot of time studying?

H: Yes, we had a lot of studying and it was mostly case book studying, but what was most valuable was the instructor, and his discussions and explanations given from experience. I remember we had the famous case of a man who was stranded in a life boat after his ship had sunk. He was adrift for days and days. His companion had died, and so he ate some of the dead man's body. He was tried for murder and cannibalism. One of the lines from that case was, "So spake the fiend and with necessity the tyrant's plea, excused his devilish deeds." That was over fifty years ago, and it is just as clear today as it was then.

C: Do you remember much about the buildings?

H: Well, we started down in the upper floor of the old YMCA Building and then moved up to Wick Avenue. Of course, the construction had not yet commenced up there.

C: Was that when they shifted classes to a house?

H: Yes, in a house on Wick Avenue, and then around the corner to where the present administration building is now.

C: How large were the classes at that time?

H: I would just have to guess ten, fifteen, or maybe twenty. I don't think there were more than that. There were only a few classes that were filled with twenty.

C: From your recollections of the other students, were they approximately your age? Were most of them young men?

- H: Yes, most of them were approximately the same age.
- C: Did the students seem to be, at that time, very confident that after they would finish law school, they would have ready employment in the city? Was there a demand for lawyers at that time?
- H: I can't say that there was. I think that all of them probably hoped for something, but none of them knew for sure.
- C: Were you well prepared for your bar exam? Did you study long and hard for it?
- H: Let's say I was moderately well prepared. In those days, it was a four year ordeal. The thing that is outstanding, back in 1927, was that the successful applicants were to be admitted to the bar in Cleveland by Chief Justice Marshall of the Ohio Supreme Court. We were all assembled there and he came to the podium. He started to talk to us, but someone handed him a paper. He said, "I will have to interupt this to read a telegram that was received from Black Hills, South Dakota and addressed to Washington, D. C. I will read it. It states, 'I do not choose to run in 1928. Signed Calvin Coolidge'."
- C: I see. Considering the education that you got at the law school, do you have any ideas why the law school primarily closed in 1957?
- H: Yes, because the controlling force as to the practice of law in Ohio is the Ohio Supreme Court. At one time, after I finished there some years later, the Ohio Supreme Court adopted new regulations governing accredited law schools. It required them to have a certain number of full-time professors. The law school, when I was there, did not employ full-time professors. These were all busy professional men who gave their time every night. So it didn't meet the new requirements of the Ohio Supreme Court.
- C: I see. It seems like a value of your education was that these men who had experience were the best teachers. Maybe they made a better teacher because they were out practicing at the same time.
- H: I think it is true of all of them. For example, what a world of difference between someone who graduated from a law school and went into private practice and the person who stays in school, gets a little more credit and becomes an instructor. He has never earned a living out on the street. He never had hard knocks, the personal experience, or the bumps one gets trying to scratch a living out of the practice.

To me, these people are beyond compare as far as instructors in law,

There was Clifford Woodside, a probate court judge, who knew that subject from A to Z, and if there was a question in the class, there was a man who could answer it. Judge LeGussner had started out as a young lawyer out in country, and one of his jobs, I learned, was in the appropriation of the land for Milton Dam. He was born on a farm. They say he could pace the boundaries of a farm and mentally tabulate the acreage. Someone persuaded him to run for Municipal Judge and he did. From there, he went onto the Court of Common Pleas, but he had been a young lawyer starting out from the beginning, you would say, on up through to the Court of Common Pleas where he served for years. You will never have such a aggregation of instructors again anywhere.

C: I think Hershhal Hunt taught at that period, too.

H: Yes, Hershhal Hunt taught there. I haven't named them all, but he was in that same classification.

C: It seems to me, through the little research I have done, that he had an interesting background.

H: Yes, he did.

C: Would you be in favor of or see any difficulties in the University reestablishing a law school?

H: I actually think they will because some of the students who are now going to Akron or Cleveland would no doubt attend here. There is always a question of whether there is a surplus of lawyers or not. Of course, the county has expanded in population of over 300,000. The number of lawyers has greatly increased, and maybe that is logical.

Pennsylvania has a different system. I had an occasion to be a guest of the Pennsylvania State Bar Association when they had their annual convention at Spring Lake, New Jersey. I found out that for a person who wants to study law, before he can enter a law school, he has to have a proctor. In other words, a practicing lawyer who signs up for the Pennsylvania Superior Court, will take the student into his office during vacation, and will keep an eye on him while he is in school. After he has completed his schooling, and if he passes the bar, he will take him into his firm if he possibly can. One of the Philadelphia lawyers told me that generally the young man ends up marrying the older judge's daughter, and gets a job that way, but they have another

regulation there. In Ohio, if a man passes a bar, he can hang his shingle in any county. In Pennsylvania, he has to be admitted into that county's practice by the county bar association. For example, if they feel that Pittsburgh has too many lawyers, he can't go to Pittsburgh, he might go up to some northern county where there is not a so-called surplus, and they will admit him. I don't know whether that is still in effect, but it was for many, many years. I think it still might be a good idea.

When you look at the list of lawyers in Cleveland and Detroit with 3,500 or 4,000 lawyers' names, it makes you shudder to think that a young fellow is going up there and trying to get a start. I think the ideal way for a person to practice law would be to go to a small community where living expenses are not too great, and where for a short time, he can become acquainted throughout the community. He may not make so much money, but he doesn't really need it either.

One time I had an occasion when Mr. Ruffalo sent me to Akron to handle a case there, and we had local council. I spent the afternoon with him. He said, "I was born and raised in Brooklyn and I am a Jew. I had a brother who became an engineer, another brother who became a doctor, and the family wanted me to become a lawyer. I started to practice and it was very disheartening. I could hardly make enough money to pay office rent in a cheap building. I decided that wasn't for me. I took a map of the United States, I took a big swing with my eyes shut, put the pencil down, and it landed on Akron, Ohio. I came out here an unknown and a Jew." That's how he described himself as a "Jew boy." He also said to me, "I had enough money to rent an office and get a little furniture. I got my cards printed. I made it a personal thing to go and say hello to every lawyer in Akron, tell them who I was, that I just arrived there, and wanted to meet them. Then I joined the YMCA and got acquainted with a bunch of nice people there. I started to go to church, got acquainted with people there, and before long, one of them invited me to go to a luncheon club. I met all of the Kiwanians. In the course of a year, I was in all of the Rotaries, the Kiwanis Club, the Lion's Club, and just getting around and being friendly with these people. Now I have all the work that I can handle. What a change from Brooklyn and New York City!"

C: After your graduation from law school, you started with the firm, Ruffalo and Wall. Did you find that learning through experience is the real teacher?

H: Oh, yes, Mr. Ruffalo, for some reason, permitted me to try

law suits for him. When he had an important one in Cleveland or somewhere else, he would take me with him. So I got a world of wonderful experience with him that I would've never had had otherwise. I drew briefs and studied books. I tried cases all one winter against Kenneth Clark from the firm Harrington, DeFord, Huxley, and Smith. We'd just get through with one and they would call us to another in the Number Three Courtroom.

I tried the first airplane case in Mahoning County. My client's name was Shoemaker, and he was a pilot and an instructor. There was a plane out at this little field near New Castle. He knew the fellow who owned it, and used to make arrangements with him to fly it. One day he went out and the owner wasn't there, but he took the plane up anyway. In coming in, he dipped it, it caught some wires and crashed, but not seriously. There was several hundred dollars worth of damage. The owner was furious, so he filed criminal charges against Shoemaker for operating a motor vehicle without the owner's consent. He was going to be jailed and the bond was fixed at fifty dollars, but this was in the Depression, and Shoemaker didn't have the fifty. His uncle was John Rowland, the President of the Mahoning Bank. So we arranged to go out to the home of the clerk. Mr. Rowland agreed to sign his bond. We went out there, the clerk had the form, and John Rowland signed it. The clerk said, "Mr. Rowland are you financially good for the amount of this bond?" I pulled a twenty dollar bill out of my pocket. In those days, John Rowland's signature was signed on the currency. The clerk looked and looked, and then said, "I guess he is!" I got that case dismissed on the grounds that "motor vehicles" in Ohio doesn't include airplanes.

The owner then sued Shoemaker for damages. The case was tried before a jury over here and a visiting judge, Judge Jewell, one of the great Common Pleas Judges in Ohio at that time. The lawyer on the other side made the mistake of saying that my client was negligent, and took off into the wind. Shoemaker got up there and explained the principles of flight, which was that you must take off into the wind. I noticed the judge and jurors were watching him. Finally it was a verdict for the defendant. Judge Jewell called my client up and said, "I want to congratulate you. I have never heard a witness to compare with you. I was actually feeling the flight of that plane."

Some of my lawyer friends were real characters! One who I was very fond of was George Edwards. He was an agitator. Joe Gottlieb and him were close friends. George used to take the stump in the public square and preach single tax.

I remember one time he tried a law suit against a very prominent lawyer who represented a railroad. In the jury trial he referred to his opponent by saying, "He is a perfumed member of the house of privilege." Then we had Rody Hedland, who could coin a phrase. I met him down on the sidewalk here one day and I said, "How are you doing, Rody?" He said, "I just left this institution (the Mahoning National Bank) and I was in there refueling a note of mine which is on an endurance flight there."

C: Were these gentlemen in your firm?

H: Oh no, they were just people I knew. There was an attorney named Ed Drake, who was with Ruffalo for awhile. I became very well acquainted with him. He was born in England and educated at Kings College. He came to the United States as a young man and studied shorthand. He became secretary to John H. Clark, who was from Youngstown, sat in the United States District Court, and who later was appointed to the United States Supreme Court. Then he passed the bar and served under the famous prosecutor up there in Chyahoga County, John Sullivan. They prosecuted Cassie Chadwick, the famous con artist. It was about the turn of the century. Later on, Mr. Ruffalo had a Cleveland office for awhile and had Mr. Drake operate it, but he gave it up, and Mr. Drake came to Youngstown. He was a brilliant man. He could draw a pleading under the Ohio Code for Justice of the Peace Court, Common Pleas, and Federal Court. He could draw a pleading under the Pennsylvania common law for any of the courts there. Their law suits were entitled differently than ours. Ed was a most interesting man to visit with. He had a fund of cockney stories that today wouldn't be printable. He died, though, of an aneurysm.

C: Mr. Higley, I just finished an interview with Mr. John Ruffalo, Jr., and you mentioned quite a bit about his father and working in his firm. It was a very good interview and he explained the circumstances of disbarment in that period of his career. What was your impression at the time that was happening to Mr. Ruffalo?

H: I had no part in the proceedings, and so as far as an impression is concerned, I don't think I am in a position to have one. There was a hearing, but I wasn't present. There was testimony given. All I know about the results is what I read.

C: I remember you mentioning in the interview that your classmates at Quonset Point Rhode Island were Mr. Rogers and Mr. Nixon. Is this correct?

H: Yes, the two of them.

C: Did you have any contact with those gentlemen at that time?

H: We didn't have any personal friendships, but one time I rode in a taxi on a weekend liberty to Providence with Mr. Nixon. We were all in the same boat, you might say. We studied hard and we had a vigorous time there. There was very little personal contact. Of course, nobody, at that time, had the slightest idea that either of these two would ever enter politics.

Another one of our classmates was Hepburn. His father, Admiral Hepburn, was CNO at the time. We had a lot of fairly prominent people or their sons represented in that group. I believe, though, that the only photograph of Richard Nixon in uniform that was ever shown on television was the one taken of him in his platoon at Quonset Point.

C: When we talked about the law school, you talked very highly of the instructors, and that was one of the outstanding points of that period of your life. I was just wondering if there were any aspects of your time at the law school that were negative, anything that you would of wanted changed, or that you thought could of made your law school more rewarding?

H: No, I can't think of any suggestions I would have along that line. Everyone attending the school was there because he really wanted to attend. That is the difference between a class where some are there merely because they happen to be. Now another thing that I recall was that these instructors were always willing to discuss a point in a friendly way. They didn't appear to have a critical attitude. They were there to be helpful.

C: In our attempt to get an overall picture of the graduates of Youngstown Law School, I have been asking questions of the graduates on current controversial issues. Would you mind if I asked you a few questions?

H: You are at liberty to ask.

C: I suppose one of the hardest questions that I ask is an abstract question. Do we live in a just society?

H: It depends upon the meaning that you attribute to the word just. If you would take from that, do I believe that our society is one in which most things are right? I would say, "No."

There is something wrong if we take just the city of Youngstown and it's environs. Back in the days when we were in school here, and for a long time afterwards, it was safe for any citizen of Youngstown to go anywhere in the city, in Struthers, Campbell, Lowellville, Niles, Girard, or Warren, at anytime of day or night, without fear of being harmed or mugged. There has certainly been a radical change. Many citizens of Youngstown will no longer drive on certain streets, either in the daytime or at night. So I say we are being deprived of our just rights as Americans to go where we please without fear. I understand the situation is even worse in the District of Columbia where the seat of our government resides. So there is something radically wrong and I know of nothing being done to attempt to correct it.

C: Do you think the law itself has played any part in this rising corruption?

H: Yes. I think a lot of it is basically due to the fact that to change it, men in public office would have to take steps that they do not wish to take, so long as their only thought is their own re-election.

C: Are you optimistic about America's future?

H: I'm not greatly optimistic. Our currency has been devalued, and one of the Soviet advisors has been quoted as saying, "The easiest way to destroy a nation is to first destroy its currency." This inflation has reached ridiculous proportions, with no sign of easing off. I think our Congress is the most corrupt in our nation's history.

C: What are your opinions on the decriminalization of marijuana?

H: I would oppose the decriminalization of it. I don't think that it should be classed with so-called hard drugs such as heroine, cocaine, and morphine, but my personal opinion is that, in too many cases, it could be a stepping stone among the young users to be tempted by their peers to try harder drugs. We have, right in this community, about six or eight young people rotting in their graves today because of overdoses of hard drugs. Further, I see no reason why any young man or young woman, let's say from the ages of eighteen to thirty, would have to have anything to artificially stimulate them. That is the time of life when their stimuli should be a natural part of them.

C: Would you oppose the overuse of alcohol in the same way?

H: Yes. The overindulgence of alcohol is a bad thing. It is well known that it is a bad habit, while the moderate use of

it probably is a part of life that has gone on for untold centuries.

C: What are your views on capital punishment?

H: I am glad to see it restored. I feel that the man who has been justly tried and convicted of a horrible murder has forfeited his right to be with us.

C: Finally, what are your views on abortion?

H: I don't think that is any concern of the United States Supreme Court. I think it is a matter that should be governed by state rights. If you recall, in the Constitution it's provided that all of the powers not granted to the federal government are to be retained by the people. I'll go a step further. I feel that the federal government has invaded every facet of our daily existence, which was never intended when our country was founded.

C: Have the ABA and AMA played detrimental roles in society as far as making it so rough for young Americans to practice either the legal or the medical profession? Are they making the requirements to get in very stringent?

H: I don't think that the ABA has much to do with it because in Ohio, the Supreme Court of Ohio is the authority which confers the right to practice by admission to the bar. I think that the ABA, at times, has made such ridiculous announcements that I no longer have any respect for it. For instance, one of the past presidents of the ABA wrote an extensive piece where he showed our intervention with Viet Nam was a perfectly legal act based upon his interpretation of certain treaties. His dissertation was completely contrary to the actual facts and the actual treaties and agreements involved.

As far as the American Medical Association is concerned, I know nothing personally about the attitude of the AMA, although for many, many years, it appeared that the qualifications to enter medical school have been sharply upgraded, and there are more applicants by far than can ever be trained in the existing schools.

C: Were you opposed to the Viet Nam War?

H: Yes, in fact, it was quite shocking to me when President Johnson ordered our troops into combat. After increasing them from between twenty to fifty thousand that were on hand over there to I believe five hundred and fifty thousand

and using. . . what was that bay?

C: The Gulf of Tonkin.

H: Yes, the Gulf of Tonkin episode as his excuse. One more point I would like to add since the question was asked. It seems to me that he acted stupidly because all he needed to do was hold a conference with General DeGaulle, who could explain to him how France had failed and was defeated after seven years. I think if he had engaged in such a conference, he would of had to blush if he wanted to start the war with our troops.

DeGaulle was a military man. Speaking of DeGaulle, you may recall that for a period of years the federal government was rather cool toward him. There was one Youngstown man who had a unique relationship with General DeGaulle. He was Joe Simon of 150 Broadway, and who worked at the Simon Sheet Metal Company. He was a soldier in World War II. When Paris was liberated, he was assigned with others to meet DeGaulle upon his return to Paris. Later on, Simon did extensive traveling and was in Paris when one of the assassination attempts was made. He was standing on the street. He got in touch with General DeGaulle, then the President of France, and from that time on until DeGaulle's death, he received a Christmas card every Christmas from the presidential palace signed personally with a message from General DeGaulle.

C: There aren't too many Americans that could claim that distinction!

H: I doubt if there are any others, which goes to show that DeGaulle was a big man. He didn't forget a little soldier who had tried to help him.

C: I just have one more question about the war. What are your opinions on the big controversy over amnesty?

H: I would not favor amnesty for this reason; the individual had no right to refuse to serve when he was called because, maybe politically, he disagreed. Since we were in it, I think it was his duty to go, but if he had a true objection to combat on the basis of his religion or his personal feelings against shooting somebody, there were so many other fields that he could have entered and served the country honorably. I don't feel that there is any excuse for them and none for the deserters. It seems to me, should the United States find itself ever engaged in a war again, that this would be a bad precedent to state the right of choice to go to war or not to, and everyone will love you either way.

I feel that if you get called to give service, you should go, and if you are truly a conscientious objector, there is a place where you could serve the country without going into combat.

C: Do you think a lawyer should be able to advertise his specialty?

H: I would say, "Yes," if he truly has a specialty. By that I mean not the kind of business he would like to have, but where he can show that he has been trained in a specialty. I see no objection to it.

C: In reviewing your life, is there any aspect or anything that you would of liked to have done differently?

H: I can't say that there is. It would be awfully difficult to come to any sound conclusion on that. That is about all I can say.

C: I was just remembering when you stated that there was a time in your life when you thought that you might want to practice medicine. Do you still have that reservation?

H: No, that was only for a brief period of time.

C: I think we have covered your life rather well. Is there any other area or anything that I haven't covered that you would care to talk about?

H: I think I have said enough.

C: Okay. Thank you very much, Mr. Higley, for allowing me to do this interview.

H: You're welcome. I enjoyed talking with you.

END OF INTERVIEW