

The I Witness



Vol. V

May 1965

NO. 2

ALUMNI INVITED TO ATTEND ANNUAL MEETING

The Honorable Jesse E. Eschbach, Judge of the United States District Court for the Northern District of Indiana, will serve as master of ceremonies for the annual Law Alumni Banquet in Alumni Hall of the Indiana Memorial Union at 6 p.m. on Saturday, June 12. Judge Eschbach, in addition to being an outstanding jurist, is well known as an entertaining speaker. He received his B.S. degree from Indiana University in 1943 and his J.D., *With Distinction*, in 1949.

The School of Law will honor three groups of alumni during this annual meeting of the Alumni Association. The members of the Classes of 1915 and 1940 will be feted along with the "new" alumni, the members of the Class of 1965.

Members of the Class of 1915, the Golden Anniversary Class this year, will receive special citations from the Alumni Association in recognition of their fifty years of service to Indiana University, the School of Law, and the Bar.

Members of these three classes, in addition to other law alumni returning for commencement weekend, are also invited to attend a reception to be held at the Woodburn House, 519 North College at 4:30 p.m., preceding the banquet.

Claude Rich, Alumni Secretary, has indicated that law alumni who return for their annual dinner will have much to choose from during their visit to Bloomington, for many gala commencement weekend events are being arranged.

Among events open to returning law alumni are The Alumni Institute, The Commencement Barbecue, and President and Mrs. Stahr's Reception. Check the enclosed program and send in your reservation card today!

Committee Named To Search for New Dean

President Elvis J. Stahr has announced the appointment of a searching and screening committee for the purpose of assisting the Trustees and the President in the filling of the deanship of the School of Law. The members of this committee are Professors Cleon H. Foust, Ralph F. Fuchs, Jerome Hall, and Val Nolan Jr. of the School of Law; Professor Robert C. Turner of the Graduate School of Business; and Wilbur F. Pell, Jr., of Shelbyville, a former president of the Indiana State Bar Association. Mr. Nolan will act as chairman.

Members of the Golden Anniversary Class of 1915

Lawrence Henry Davison
Frankfort, Indiana

Fred Burnett Smith
Chesterton, Indiana

Perry O'Neal
Indianapolis, Indiana

Orton Earl Tarbox
Hollis, Long Island,
New York

Members of the Silver Anniversary Class of 1940

Wilson G. Anderson
Anderson, Indiana

Clarence B. Dutton, Jr.
Indianapolis, Indiana

Lewis N. Angermeier
Indianapolis, Indiana

Wade H. Free, Jr.
Anderson, Indiana

Warren E. Baker
Kensington, Maryland

Gersham G. Graber
Indianapolis, Indiana

Henry W. Becker
Pasadena, California

Mark W. Gray
Indianapolis, Indiana

Irving D. Berger
Washington, D. C.

Wallace H. Grosbach
Terre Haute, Indiana

Edward O. Craft
Chevy Chase, Maryland

John T. Hays
Alpena, Michigan

William B. Douglass
Cincinnati, Ohio

Vernon R. Huffman
Bloomington, Indiana

Melvan M. Jacobs
Highland Park, Illinois

Jeanette Fichman Reibman
Easton, Pennsylvania

Jack S. Kale
Indianapolis, Indiana

Isadore D. Rosenfeld
South Bend, Indiana

Ruth E. Maier
Evansville, Indiana

Jacob G. Rudy
New Albany, Indiana

Thomas N. Mitchell
Rockville, Maryland

Martin J. Schiessler
Grosse Pointe Woods,
Michigan

Lewis N. Mullin
Delphi, Indiana

Robert L. Stevenson
Columbus, Indiana

Charles L. Murray
Elkhart, Indiana

Dale H. Tanner
Santurce, Puerto Rico

Bernard M. Niezer
Fort Wayne, Indiana

William A. Voss
Kansas City, Missouri

F. Jay Nimtz
South Bend, Indiana

Joseph A. Noel
Kokomo, Indiana

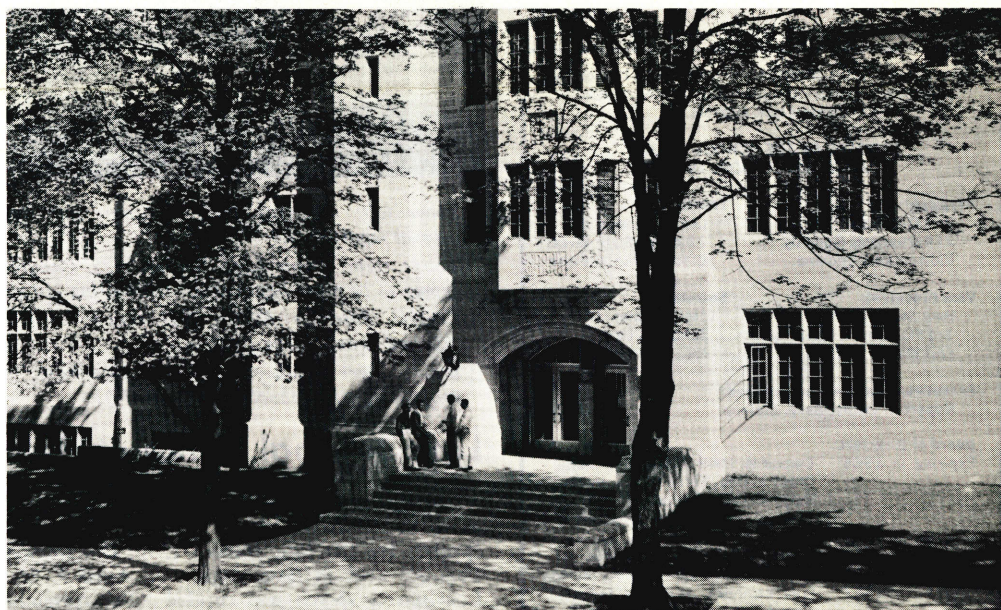
Melville E. Watson
Greenfield, Indiana

Thomas M. Patrick
Terre Haute, Indiana

Harold V. Whitelock
Indianapolis, Indiana

Thomas J. Radigan
Orlando, Florida

John L. Williams
Seymour, Indiana



The new Law School Building presents a note of impressive change to those returning alumni of the old Maxwell Hall days.

The Nominating Committee consisting of Philip S. Cooper '48, Claude M. Warren '41, and Robert A. Lucas '49 have announced their slate of candidates to fill the upcoming vacancies in the Board of Directors: John A. Pierce '55, 5th District; Raymond W. Gray, Jr. '51, 6th District; William H. Andrews '59, 7th District; and James M. Schwentker, Jr. '52, 8th District. Additional nominations may be made from the floor at the Annual Meeting.

EDITORIAL

For my last editorial as an employee of Indiana University I would like to personally express my thanks to the many alumni who have taken the time to help put the Law Alumni Association back on its feet as an effective organization for the improvement of the Law School.

The past two years have brought about the introduction of several new programs and the strengthening of various other features of our total effort. This is evidenced in part by the fact that the Executive Council of the I. U. Alumni Association has seen fit to award the Law Alumni with the Constituent Society Improvement Award.

The "I" WITNESS is itself an example. This newsletter is now being published regularly twice yearly, and if present interest can be used as an indicator, we trust that it will become a quarterly publication in the near future.

Membership in the Law Alumni is continuing to grow and much of the credit is due to the various law alumni meetings that are now being held on an annual basis in the state of Indiana and in the larger metropolitan areas throughout the country.

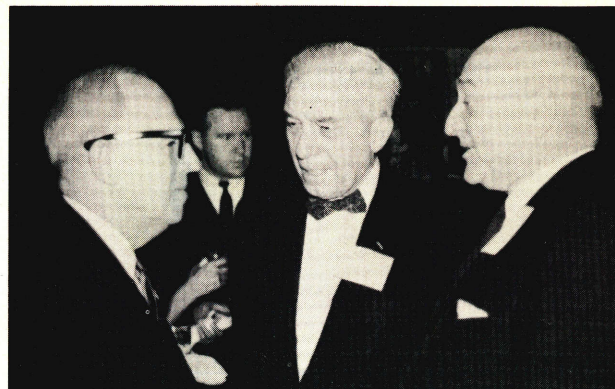
Bill Armstrong of the I. U. Foundation and Frank Jones of the I. U. Alumni Association, by the very nature of their positions with the University, have an interest in the Law School and her alumni. But during the past two years their concern for and support of the Law Alumni Association has gone far beyond the scope of their employment. On behalf of the Law Alumni Officers and Board of Directors I want, to thank them publicly for their help.

J.A.F. Jr.

The "I" Witness is published by the Indiana University Law School Alumni Association to further alumni interest and support.

OFFICERS OF THE SCHOOL OF LAW ALUMNI ASSOCIATION, 1964-65

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Above left: President Elvis J. Stahr, and Edward Craft, '40, meeting chairman, caught in a moment of legal levity;

Above right: Dean Leon Wallace, '25, Congressman William Bray, '26, and Douglas Whitlock, '28, appear to be reminiscing about the roaring '20's back at old I. U.

Center: Emerson Elkins, '47, center, with Alumni Association representatives Joe Franklin, Jr., '63, and Frank Jones;

Below: Earl Kintner, '38, Carl Overman, '52, Law Alumni president, chat with Frank Schultz, Professor at the School of Law, 1947-53;

Law Journal Banquet Held

Commissioner Lee Loevinger, Federal Communications Commission, was the principal speaker for the 18th Annual I.U. Law Journal Banquet held in Bloomington on April 3. Mr. Loevinger's speech was entitled "The Administrative Agency as a Paradigm of Government—A Survey of the Administrative Process."

Loevinger, a graduate of the University of

Minnesota Law School, was engaged in private law practice before accepting in 1937 the first of what was to be a series of public positions, that of legal counsel for the National Labor Relations Board. He has also been with the Antitrust Division of the Department of Justice, rising in 1961 to United States Assistant Attorney General in charge of the Division, Associate Justice of the Minnesota Supreme Court, and then appointed in 1962 to the Federal Communications Commission.

Law Students Draft Lease

A new standard form of lease for rental properties, prepared as a student project in an Indiana University law class, has been adopted by the University.

The project, which was undertaken under the supervision of Prof. F. Reed Dickerson as part of a course in legal techniques, was sponsored by the I. U. Real Estate Department.

Similar projects have been undertaken in the past by various law classes for various governmental agencies in Bloomington adding to today's legal education matters of immediate practical significance, as well as direct benefits to the community.

When the lease was submitted to the University's attorneys for approval, they replied that the revised form "has received more careful and thorough attention than any other instrument of its kind in Indiana."

Currently, the legal techniques class is engaged in a similar project under the sponsorship of the Property Management Division of the Indianapolis Real Estate Board. The students are revising a standard real estate management agreement.



Before donning their graduation mortar boards with their 180 law classmates, Associate Editor Hugh Moore, Portage, and Editor-in-Chief Reed Scism, Evansville, put finishing touches on their last issue of the Indiana Law Journal.

Law School Ranks 10th In Size

Indiana University this year displaced Fordham University among the top 10 schools with the largest law student enrollment, figures released by the American Bar Association revealed.

At the same time, the Association announced an increase in the number of students enrolled in the nation's major law schools for the sixth consecutive year; to a new record total of 54,265.

The new total is an increase of nearly 5,000 over enrollment last year. The figures are for current term enrollments in the 135 law schools approved by the ABA, and do not include enrollments at some 27 non-approved schools.

Following are the 10 schools with the largest enrollments this year:

New York University, 2,200; Harvard University, 1,643; University of Texas, 1,427; Brooklyn Law School, 1,330; Georgetown University and George Washington University, both 1,215; Hastings College of Law, 1,088; University of Michigan, 1,072; Columbia University, 924; and Indiana University, 914.

Faculty Establishes Sherman Minton Moot Court Competition

The final argument in the first annual Sherman Minton Moot Court Competition was held at Bloomington on the afternoon of Wednesday, April 7, 1965. Representing the state of New York in a hypothetical case involving the admissibility of evidence obtained through the use of a wire tap were Daniel A. Roby, Chesterfield, Indiana, and Robert Delaney, Delphi, Indiana. Counsel for the defendant, Jackson Willett, were Thomas E. Kotoske, South Bend, Indiana, and Herbert E. Louck, West Lafayette, Indiana. Arguments were heard before a court composed of the Honorable Thomas Faulconer, Chief Judge, Appellate Court of Indiana; the Honorable William M. Lienberger, Circuit Court of Bartholomew County; and Dean Leon Wallace. After lengthy deliberations the Court found that the team of Kotoske and Louck had presented the best argument and therefore awarded the decision to them.

This argument was the final one in a competition established by the faculty to honor the late Justice Minton. At the Bloomington Division all students, except those on *Law Journal*, are required to take Legal Techniques III, in which they prepare a brief and present an oral argument. However, in recent years some students have expressed the desire to do further work in appellate advocacy. This year the faculty established the Minton Competition to provide this opportunity.

At the beginning of the second semester, students who had indicated an interest in participating in the competition, which is entirely voluntary and receives no academic credit, were given copies of the record on appeal in a hypothetical case. Eventually nine teams of two men submitted briefs which were graded by three brief judges. They then met in a series of elimination arguments, with the two best teams opposing each other in the final argument. Contributions are now being accepted by the Law Alumni Association for the purchase of a large plaque upon which will be engraved the names of the members of the winning team in each annual competition. This plaque will be placed in an appropriate location in the Law School Building.

A great deal of assistance was received from friends of the school who served, along with various faculty members, as judges for the competition. In addition to those already named, the following attorneys and judges cooperated in getting the Minton Competition off to a successful start: the Honorable Edwin B. Long, Bloomfield, the Honorable Donald A. Rogers, Bloomington, Gary Becker, Tell City, David Brower, Bloomington, Albert M. Gavit, Indianapolis, George Gavit, Indianapolis, Elliott Hickam, Spencer, Lewis R. Katz, Bloomington, David Rogers, Bloomington, Hillard J. Trubitt, Bloomington, and Gene Wilkins, Indianapolis.

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Dr. Herman B Wells confers the honorary LL.D. degree on the late Justice Sherman Minton at commencement exercises in 1950.

For the purpose of better informing the alumni of the School of Law on the subject of the quality of their faculty, THE "I" WITNESS has adopted a policy of including in each issue an article devoted to an in-depth survey of the career of an Indiana University Law Professor. The late Justice Minton held the title of Professorial Lecturer in Law.

The Honorable Sherman Minton, the only I.U. Law School graduate ever to serve on the U.S. Supreme Court, died on April 9, two months before he was to have celebrated his fiftieth-year anniversary from the School of Law.

Justice Minton was 74 years old and had lived in New Albany, Indiana, since retirement from the Court in 1956.

Minton was born October 20, 1890, in the hill village of Georgetown, Indiana, near the winding Ohio River, across from Louisville. His parents were poor and Minton shared a little two-room house with them, a sister, and two brothers.

His father worked variously as a railroad section hand, a grocer, and a farmer. His mother died when Minton was nine. The family moved to a small farm, then migrated to Texas. There, Minton got a job trimming neckbones in the pork cutting department of a meat packing plant.

He saved his money, ambitious to return to Indiana and a law career. When he had enough, he returned to New Albany, county seat of his hometown village, finished high school, and worked until he had sufficient money to start to college.

Despite his various job ventures, Minton had to skimp to keep in school. One summer he lived on \$10, eating berries and stale bread

bought at the rate of two loaves for a nickel.

Minton worked his way through high school and college waiting tables, selling washing machines, stacking planks in a lumberyard, playing semi-pro baseball, and serving as platform manager of a chautauqua.

He was such a good orator at Indiana University that he didn't even play second fiddle to such classmates as Wendell L. Willkie, the 1940 Republican presidential nominee, and Paul V. McNutt, former Indiana governor, American Legion National Commander, and High Commissioner to the Philippines.

He received his LL.B. degree from Indiana University in 1915. In 1950 his Alma Mater awarded him the honorary degree of Doctor of Legal Laws.

After graduation Minton won a scholarship to Yale and studied there as a graduate student under ex-President William Howard Taft. His studies under Taft and his friendship with McNutt paved the way for his rise.

At Yale, Minton and Professor Taft tangled in class one day over a Supreme Court ruling that the law had a right to confiscate nets of a fisherman convicted of charges he seined in a navigable stream.

"Naturally," Minton explained later, "I felt sorry for that poor devil who lost his nets."

He argued the high court was wrong. Taft argued it was right. Then Taft ended the discussion by saying, "I'm afraid, Mr. Minton, that if you don't like the way this law has been interpreted you will have to get on the Supreme Court and change it."

He received his LL.M. degree from Yale in 1916, but when commencement day came, he wasn't there to get his diploma. He had

taken another summer job as a chautauqua platform manager. His tent man was Alvin "Bo" McMillin, the Centre College "praying colonel," who later became Indiana football coach.

Returning to New Albany, Minton joined a law firm and married his high school sweetheart, Gertrude Gurtz. Then World War I came and he joined the AEF, emerging as an infantry captain. His first son, Sherman Jr., was six months old when he mustered out and returned to law practice. Two more children were born to the Mintons in the 1920's, John Even and Mary Anne.

In 1932, his college classmate, McNutt, was elected Indiana governor. McNutt appointed Minton public counselor of the Indiana Public Service Commission. Minton fought vigorously and successfully for utility rate reductions and was going strong when the Hoosier Democratic party hierarchy picked him to run for a seat in the U. S. Senate.

The Democrats were riding high on the crest of the New Deal when Minton ran against veteran Senator Arthur S. Robinson, a Republican, in 1934. He won with ease.

In Washington Minton backed President Roosevelt's administrative program in Congress nearly 100 per cent. As he once explained, "Sure I'm a New Dealer. I'd be ashamed to be an Old Dealer."

Among the bills for which he fought was the Roosevelt judicial reform measure. Minton sharply criticized the Supreme Court as a unit which "set itself up as a super-legislature."

When Minton ran for re-election in 1940 he lost to a weekly newspaper publisher, Raymond E. Willis. But Roosevelt wouldn't let him go home to his law practice. He kept him briefly as an administrative assistant in the White House, then appointed him to a lifetime post on the U.S. Seventh Circuit Court of Appeals in 1941.

In 1948 Minton was named to head a board to investigate a coal dispute. United Mine Workers President John L. Lewis refused to have anything to do with the board. In a letter to Minton, Lewis expressed his "disinclination to accept" the board's authority. An injunction was issued against the United Mine Workers Union and contempt of court proceedings were brought against Mr. Lewis.

Minton was appointed to the high court by President Harry S. Truman on September 15, 1949, to replace Wiley B. Rutledge, who died earlier that year. Minton had served eight years on the U.S. Seventh Circuit Court of Appeals in Chicago before the appointment.

His political views moved toward the middle of the road in his later years and he declined to class himself as either a conservative or a liberal. As a Supreme Court Justice, he voted as a conservative in civil liberties cases.

Minton said he considered the court's 1952 decision upholding a New York state law designed to rid public schools of subversive teachers as the outstanding court decision in which he participated.

After his retirement from the Supreme Court due to poor health, Minton lived quietly at New Albany except for a brief assignment to the U.S. Court of Claims in 1957.