



Background and Historical Context

This year is the 125<sup>th</sup> anniversary of our Law School. Cleveland

The Name Committee created a [Law School Name Website](#) and agreed early on that its charge was to seek wide input, develop findings and options, and make a recommendation or alternative recommendations for consideration about whether Marshall, named after Chief Justice John Marshall, should be removed from our Law School name. Since removing any reference to Chief Justice John Marshall name

poll whereby votes would be cast and counted, nor was it meant to be singularly dispositive, but rather one consideration in the Board's overall decision-making process. Additional details are provided in Exhibits 3 and 4.

On December 15, 2021, an online Feedback Form was sent to approximately 4,500 Law School alumni, students, staff, faculty, and community stakeholders. There were 1,349 stakeholder respondents, representing the following stakeholder groups.

- x Law alumni: 58.4% (n = 789)
- x Law students: 22.5% (n = 303)
- x Legal community: 6.7% (n = 90)
- x CSU community: 3.7% (n = 50)
- x General community: 3.6% (n = 49)
- x Law faculty (full -

arguments both for and against changing the name of our Law School. The Framing Document also suggests some alternative names if the University decides to change the name of the Law School, but as noted above, the Name Committee did not recommend any specific alternative name. In addition, the Framing Document offers a set of guiding principles<sup>7</sup> to inform the University's ultimate decision-making process. Finally, the Framing Document makes some recommendations show the Law School and University should make this a permanent teachable moment no matter what is ultimately decided with respect to our Law School's name.

The Name Committee also created a comprehensive [Law School Name Resource Guide](#) (including [Other University and Law School Guiding Principles and Processes](#)).

### Public Forums

I also recommend watching the six public forums held by the Name Committee. Three virtual public forums were held in the 2021 Spring semester with experts on naming and renaming issues and experts on the legacy of Chief Justice Marshall. *Below are links to the three Spring 2021 Forums:*

- [April 27, 2021 - The Legacy of Chief Justice John Marshall](#)
- [April 23, 2021 - Guiding Principles for Naming Institutions](#)
- [March 22, 2021 - Facing and Confronting Our History](#)

In the 2021 Fall semester, three Town Halls were held. Two were open to all students, staff, and faculty, emeriti faculty and associates, leaders-in-residence, and members of the Board of Visitors and Law Alumni Association Board. The November 19, 2021 Town Hall was for students only. *Below are links to the three Fall 2021 Town Halls:*

- [November 23, 2021 - Law School Name Community Town Hall](#)
- [November 19, 2021 - Law School Name Student Town Hall](#)
- [November 17, 2021 - Law School Name Community Town Hall](#)

### Conclusion

I respectfully recommend that the University review these materials with due regard for WKH /DZ 6FKRRO¶V DQG 8QLYHUVLW\¶V HGXFDWLRQDO PLVV commitments to teaching, quality research, truth-seeking, and inclusivity.

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## EXHIBITS

- x EXHIBIT 1 - Law School Name Framing Document
- x EXHIBIT 2 - Recommended Guiding Principles
- x EXHIBIT 3 - Stakeholder Feedback Quantitative Data
- x EXHIBIT 4 - Stakeholder Feedback Qualitative Data and Methodology
- x EXHIBIT 5 - October 26, 2020 Letter from Community Stakeholders / November 4, 2020 Dean Fisher Response
- x ~~EXHIBIT 6~~ EXHIBIT 6 February 18, 2021 UIC John Marshall Law School Report of Task Force to Consider Renaming the Law School / May 20, 2021



Law School Name Framing Document

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- I. Introduction/Guiding Principles



## I. Introduction/Guiding Principles

### The History of CSU Cleveland -Marshall

We are an historic institution and are very proud of our iconic history. The Cleveland - Marshall College of Law at Cleveland State University<sup>1</sup> is the direct descendant of two law schools, the Cleveland Law School founded in 1897, and the John Marshall School of Law, founded in 1916. In 1946, the two law schools merged to become Cleveland Marshall Law School. In 1969, the law school joined Cleveland State University and was renamed the Cleveland-Marshall College of Law at Cleveland State University. We consistently have been the law school for many women and men who have broken gender, race, ethnic, economic, and generational barriers to make change and advance progress in social justice, civil rights, and public service.

### The Petition

In the summer of 2020, Cleveland-Marshall College of Law at Cleveland State University was presented with a petition that C|M|LAW change its name so that it no longer be named after Chief Justice John Marshall, the fourth Chief Justice of the U.S. Supreme Court. The petition is at this link: <http://renamejohnmarshall.com/>

The basis for the petition to change the name of C|M|LAW is a 2018 book, Supreme Court Chief Justice John Marshall: A Biography by Eric Finkelman. In his book, Finkelman acknowledges that there are good reasons why John Marshall is considered our greatest chief justice, noting that Marshall bought and sold slaves, gave them to relatives, and actively participated in

, Q ) L Q N H <http://www.theatlantic.com>, he states:

John Marshall is a universally laudatory of the Chief Justice. But the country must now reevaluate this venerated figure in American history. . . Though some will surely deride these decisions as part of an earnest and deserved reckoning, the result of an effort to fully understand Marshall's profound impact on American law was not as honorable as we have previously believed. . . .

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UIC John Marshall Law School

The same petition that was submitted to CSU Cleveland Marshall was also submitted at

found that virtually every college, university, and law school formed a committee, task force, or study group to address the issue. Most conducted a thorough, deliberate process, usually ranging in length from one to two academic years, to ensure all relevant stakeholders had the opportunity to express their views.

The charge to the Law School ND P H & R P P L W W H H L V <sup>3</sup> W R V H H N Z L G H L Q S X and options, and ultimately make a recommendation, or a set of alternative recommendations, to the university for consideration about whether Marshall, named after Chief Justice John Marshall, should E H U H P R Y H G I U R P R X U / D Z 6 F K R R O

It should be noted that the primary issue before us now is whether to retain or remove the name of John Marshall from our Law School. We have, however, included a brief section in this document devoted to some possible alternative names simply for context and discussion.

The Committee includes people opposed to the name change, people in favor of the name change, and those who are undecided. Dean Fisher asked all members of the Committee to do their best to keep an open mind throughout the process. Ultimately, the question is, based on all we know about Chief Justice Marshall, should we remove his name from the Law School or continue to honor his legacy by maintaining his name in the title of our Law School.

The Committee developed an excellent Resource Guide which is updated regularly: <https://guides.law.csuohio.edu/lawschoolnameguide>. We also have a Law School Name Committee website page: [CJM|LAW Law School Name Committee](#).

The Law School Name Committee met several times in the Fall 2020 semester and determined that a series of public forums should be held in 2021. It was also determined that a Framing Document would be written in 2021 that addressed the reasons for and against a name change. The Committee held some moderated virtual public forums in the 2021 Spring semester open to all students, staff, and faculty as well as alumni groups, to provide context-3(oru)-5[(t)-4r.25 Td [-612 792 rpt4r(d)4on. 28(pa)5:1onn[9(pa)5:s rpt4r(d)4c

of the Town Halls were well attended with active participation and diverse viewpoints. Below are links to the three Fall 2021 Town Halls :

[November 23, 2021 - Law School Name Community Town Hall](#)

[November 19, 2021 - Law School Name Student Town Hall](#)

[November 17, 2021 - Law School Name Community Town Hall](#)

As lawyers we are trained to listen and learn, and to withhold judgment until we have a chance to evaluate what we have heard. The process followed by the Law School Name Committee models what we teach our students.

## Reckoning With Our History

- x In considering a name change, we should conduct a thoughtful and inclusive process, informed by deep and careful historical research.<sup>3</sup>
- x History comprises both facts and interpretations of those facts. To change the name of a school is not to erase history but rather to expand on a previous interpretation of history in light of new facts or circumstances. A naming is not history itself; a naming commemorates an aspect of history, representing a moment in the past when a decision defined who would be honored.<sup>4</sup>
- x Naming decisions should complement and supplement other initiatives to achieve equity and inclusivity. Names and symbols matter to our campus and community, but the addition, removal, or contextualization of names and images are not

- x Many of our historical figures after whom institutions are named led contradictions. Many of their stories hold multiple truths <sup>2</sup> that they did truly great things and they did reprehensible things that we should unequivocally condemn and never excuse.

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- x We should encourage a robust debate about the way Chief Justice Marshall should or should not be memorialized. <sup>8</sup>
- x When considering the naming or renaming after Chief Justice Marshall, we should examine his principal legacy in light of multiple criteria. These should include his actions during his lifetime, and, most significantly, his principal legacy in the present. His history and legacy should be appropriately chronicled and explained. <sup>9</sup>
- x \$OOHJDWLRQV RI &KLHI -XVWLFH 0DUVKDOO¶V UHODWL supported by documentary evidence that demonstrates both the extent and the intentionality of his actions. <sup>10</sup>
- x 7KH UHPRYDO RI &KLHI -XVWLFH 0DUVKDOO¶V QDPH VK historical complexity or holistic contributions of Chief Justice Marshall. <sup>11</sup>
- x Regardless of the decision whether to change the name, the law school and the university should actively acknowledge Chief Justice John Marshall ¶V DVVRFLDWLR with slavery and the harmful impact on marginalized communities.

Wide Input

- x In considering a name change, we should incorporate wide input. We should consider the perspectives of students, staff, faculty, alumni throughout the world, the broader CSU community, and the Greater Cleveland and Northeast Ohio legal and general communities.
- x We have a special responsibility to listen to and respect Law School and University community members who are particularly affected by and sensitive to &KLHI -XVWLFH 0DUVKDOO¶V DVVRFLDWLRQ ZLWK VODY

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- x We also have a responsibility to listen to and respect those graduates for whom the name of the Law School has meant access to careers and lifelong accomplishments.

### Our Mission, Vision, and Values

- x We should be guided by our proud history, our present mission Learn Law, Live Justice, and the present values and mission of Cleveland State University.
- x Decisions about naming and renaming must be made with due regard for the Law School's commitments to teaching, quality research, truth-seeking, and inclusivity.<sup>12</sup>
- x The name of the Law School should foster an inclusive space for all students that affirms and respects their identity. Our campus naming practices should indicate our goal that all students, faculty, and staff be welcomed and their presence valued on our campus especially those groups of people who may feel isolated or alienated as a result of their underrepresentation on our campus.<sup>13</sup>

- x 7 KRXJK RWKHU DVSHFWV RI WKH QDPHVDNH~~1~~ Law School or the greater community, consideration should be given to whether the namesake exhibited offensive behavior or viewpoints outside of their career or public persona.<sup>16</sup>
- x Consideration should be given to whether honoring the namesake significantly contributes to an environment that excludes some members of the law school community from opportunities to learn, thrive, and succeed and contradicts our mission of diversity, equity, and inclusion. <sup>17</sup>
- x Consideration should be given to whether removal of the name would impede viewpoint diversity or fail to acknowledge the historical complexity or holistic contributions of the individual to the Law School or the public. <sup>18</sup>
- x The case for renaming is strengthened where a name undermines the ability of a significant number of students, faculty, or staff of a particular gender, sexual orientation, race, religion, national origin or other protected characteristic, to engage in or belong to the university community. <sup>19</sup>
- x The case for renaming is considerably more compelling where the conduct in question became widely known after the initial naming decision, or where the university has not previously examined the issue with reasonable rigor, as determined by members of the special committee. The case for renaming is less compelling, and names more appropriately left to stand, where the university was







C. The Great Chief Justice

7KH ILUVW<sup>3</sup> - RKQ 0DUVKDOO 'D\ ' )HEUXDU\ RQ WKH F  
Chief Justiceship, was observed by exercises held in the hall of the House of  
Representatives, and attended by the President, the members of the Cabinet, the  
Justices of the Supreme and District courts, the Senate and House of Representatives,  
and the members of the Bar of the District of Columbia. Even today, with doubts raised  
about Marshall because of his ownership of slaves, the brand of the great Chief Justice

charged at her, clearly intending violence. In the presence of her family, Barnett defended herself with an ax, inflicting mortal wounds on her assailant. She was tried for murder, convicted, and sentenced to hang. While imprisoned in a cell with a man, she was raped and became pregnant. The governor temporarily stayed the execution, and Marshall and others submitted a petition for clemency. The petition emphasized that the rape was committed by a man who was a close friend of her husband and that she had no other witnesses. The governor granted a full pardon.

Shortly after John Adams became President, he sought to reach an agreement with France, whose navy had been capturing American merchant ships. Adams dispatched a three-man mission to France, which rejected French demands for bribes and a loan gained him prestige as a strong diplomat. With the French still preying on American shipping, the two countries began a naval war. Meanwhile George Washington, in retirement, asked Marshall to run for Congress in a hard to win district, which he captured in 1799 with the endorsement of his former adversary, Patrick Henry.

In June 1800, after American naval successes against the French, President Adams asked Marshall to be Secretary of State and lead a second attempt at a reconciliation with France. Marshall accepted and directed negotiations to a successful conclusion. He

the previous practice of ermine and scarlet that justices wore in imitation of British judges. The Court gained prestige not from pomp, but by the power of

x 0 D U V K D O O ¶ V G H I H Q W H a s D i r e c t l y I n f l u e n c e d O n l y O t h e r nations to include the principle in their constitutions.

x In McCulloch v. Maryland , he affirmed the flexibility of Congressional legislation under the Necessary and Proper Clause. At the same time, he defeated the attempt by Maryland to have the states be recognized as the superior sovereignty in the union. 37 K H \* R Y H U Q P H Q W R I W K H 8 Q L R Q ´ 0 D U V K D O O Z emphatically and truly, a Government of the people. In form and in substance, it emanates from them. Its powers are granted by them, and are to be exercised directly on t K H P D Q G I R U W S p e n c e r F o r e , f o l l o w i n g on from the position of Thomas Jefferson, would have held that the Constitution was a F U H D W L R Q R I D F R P S D F W R I W K H V W D W H V : L W K R X W 0 D of the Constitution as emanating from the people as opposed to state J R Y H U Q P H Q W V W K H 6 R X W K ¶ V D W W H P S W D W V H F H V V L R C Z D U U D Q W \$ E U D K D P / L Q F R O Q ¶ V Y L H Z V Q R W Z L W K V W D Q G expungement of slavery, might well have had a different outcome.

x In Gibbons v. Ogden K H G H I L Q H G W K H H [ W H Q W R I & R Q J U H V V ¶ S F R P P H U F L D O D F W L Y L W L H V W K D W 3 F R Q F H U Q H G P R U H V W

x In Fletcher v. Peck, Dartmouth College v. Woodruff , and Sturges v. Crowninshield , he prevented the states from aggrandizing themselves by holding that they could not impair contracts to which they were a party.

x In Cohens v. Virginia I R O O R Z L Q J W K H & R X U W ¶ V R S L Q I R W H U Q V / K H F R Q I L U P H G W K H 6 X S U H P H & R X U W ¶ V S R Z H U W R U H Y L questions. On the other hand, in Barron v. Baltimore , the affirmed the right of the states to legislate for the welfare and safety of their own people.

x While on Circuit, John Marshall presided over the trial of Aaron Burr for treason. He narrowly interpreted the constitutional requirements for a conviction of treason, lessening the opportunities for the government to target political opponents. Moreover, his insistence that President Jefferson honor a subpoena I R U U H O H Y D Q W G R F X P H Q W V O H G G L U H F W O \ W R W K H 6 X

became the proud claim of hundreds of lawyers for over a century, even after John Marshall merged with Cleveland Law School in 1946. The new law school of opportunity had a dynamic history from the time of its founding. For a few years, it allied with Ohio Northern University, and then in 1923, it offered an LL.M. degree. It fielded its own basketball team, which engaged in intercollegiate play. Students flocked to enroll in Marshall for the new opportunities that it offered 2 457 in 1922 and 500 in 1925.

John Marshall Law School became the conduit for women, minorities, and first generation college graduates to enter the legal profession, the judiciary, major law firms, DQG SROLWLFV 0DQ\ RI -RKQ 0DUVKDOO¶V LOOXVWU LR XV J Cleveland- 0 DV +• XV 0 @0 V À `Đ @0 V À `Đ À `Đ ÷ñ'.....`QB 0 DV +• 0 pđ0

- 1) According to Finkel P D Q 0 D U V K D V O Q L Y B I O J U H E R X J K W D Q G V R O G V O life. The record does not support Finkelman. Renowned historian Charles Hobson has shown that, at best, the assertion is an unjustified exaggeration. The last recorded purchase of a slave by Marshall was in the 1790s well before he GHYHORSHG KLV 3IDUP´ DW & KLFNDKRPLQ\ ) LQNHOPDQ DGPLW WKDW 0DUVKDOO RQO\ 3RFFDVLRRQDOO\´ VROG 3\
- 2) Finkel man also suggests that Marshall bought and sold slaves as a means of income. Finkel man knows that Marshall (and his brother) bought a huge tract of land in the 1790s in the upper neck of Virginia, and that it provided him alone ZLWK DFUHV RI 3SULPH 9LUJLQLD ODQG ´ DFFRUGL from that land investment gave Marshall more t han sufficient income in addition to his rather large salary (for that time) as the Chief Justice, and the royalties he received from his multivolume Life of Washington. Also, Marshall did not have a large estate as did Washington, Jefferson, and Madison. He had a modest home in Richmond, and although he was a generous host, he never put on lavish HQWHUWDLQPHQWV \$OO LQGLFDWLRQV DUH WKDW KLV PRGHVW /LNH :DVKLQJWRQ 0DUVKDOO¶V VODYHKROGL his life came from natural increase, which shows that, like Washington, he kept his slaves and did not willy-nilly sell them, nor bought and sold them for profit.
- 3) A responsible historian brings to light facts that differ from his thesis even if has to distinguish them. Finkel man was aware of the Pleasants v. Pleasants case in which Marshall persuaded the court to free over 400 slaves. Finkel man never mentions that case in his attack on Marshall.
- 4) According to Finkel man, Marshall always took the side of the slaveowner in his seven Supreme Court opinions when he easily could have decided otherwise. In a number of reported cases (not all), Finkel P D Q ¶V DQDO\VLV LV VWULNLQJ and, from a straightforward reading of

In America, the era of voluntary emancipation essentially passed by the end of the 1790s. The cotton gin, slave rebellions, a growing sense that the South possessed a separate culture, took hold. Marshall, like many others, such as James Madison, became ensconced in the economic



- x Without his affirmation of judicial review, and the institutional prestige of the Supreme Court that he brought about, *Brown v. Board of Education* almost certainly would not have happened.

Marshall has been the name of a law school that thousands of students have proudly owned as the source of their advancement, their furtherance of justice, and their status as full citizens. In this debate, we have discovered wrongs, and we have discovered ever more numerous great accomplishments and gifts of that man. With honest acknowledgement that the great are capable of ungreat things, we can go forward with honoring Marshall in our law school name.

### G. Justice

Our country is a great one. We can all take pride in what we as a nation have accomplished. We are fortunate to live here. But some of us are more fortunate than others, because our greatness cannot be separated from our flaws. Our original sin was slavery and that sin, followed by Jim Crow segregation and Ku Klux Klan terror, has lasting effects today in racial inequality. Those effects prevent us from achieving the equality that we promised ourselves in the Declaration of Independence. Changing the name of our law school does not work toward that goal, and in fact is counterproductive to it, for two reasons:

First, changing our name will give us the feeling that we have accomplished something concrete that works to counter our racial history and therefore our current inequality. That feeling will lessen our concentration on the truly important tasks that we face: voting rights, police reform, bail reform, education reform, Medicare expansion, minimum wage, right to organize, affirmative action. Those areas are where our focus should be.

Second, focusing on the name change provides rhetorical cover for the forces that resist important reform and will always resist it. Rather than claim there is no need to change things (because that argument is so obviously weak) they will liken any significant reform to the name change so that they can lump all reform into what they will call "significant reform" and therefore prevent it.

We have been considering a name change because John Marshall, in addition to providing the judicial review that allows the judiciary to protect our rights to liberty and equality, was also a slave holder. He was part of our original sin. So was George Washington, without whom we would not have won our independence. So was Thomas Jefferson, who wrote our

slavery in 1865 rather than having it last, in all likelihood, until well into the 20th century. But the names of those individuals should not be scratched out. To the extent we remember them and rely on the gifts they left us, we enable ourselves to recognize the evil in their acts, in their lives. Erasing their names makes it easier for us to see slavery as something that once existed but is no longer a problem. There are many people who already think that. We should not encourage them.



The bottom line is that Marshall was on the wrong side of history, and if this law school continues to honor and commemorate the legacy of a slaveholder, we will soon find ourselves on the wrong side of history as well.

B. John Marshall was a prolific slaveholder who made a fortune buying and selling other human beings and who used his position on the Supreme Court to protect his vast wealth by denying freedom to those who he enslaved

The fact that Chief Justice John Marshall, the namesake of CSU Cleveland-Marshall College of Law, was a slaveholder has been mostly overlooked by historians in the past. Most historians either were unaware or purposely and conveniently ignored the fact that John Marshall was a prolific slaveholder who enslaved hundreds of human beings

until recently. Now, it is fair to say, most people associated with the Law School are clearly aware that the school is named after Chief Justice John Marshall and that Marshall was a slaveholder.

So, what do we know about Chief Justice John Marshall? We know that John Marshall (1795-1835) and is generally considered the greatest chief justice to serve on the High Court. He helped to develop long-standing doctrines of constitutional law that are still followed today and is considered the father of judicial review. Marshall authored some of the most seminal and well-known cases in the history of the Supreme Court, many of which are still cited and relied upon throughout our federal courts today.

But we also now know that Chief Justice John Marshall was a prolific slaveholder who owned more than 150 slaves. In 1819, Marshall was appointed Chief Justice of the United States. Marshall was a slaveholder who owned more than 150 slaves. In 1819, Marshall was appointed Chief Justice of the United States. Marshall was a slaveholder who owned more than 150 slaves. In 1819, Marshall was appointed Chief Justice of the United States.

slaves who petitioned for their freedom in the cases in which he authored the opinion of  
W K H 6 X S U H P H & R X U W <sup>3</sup> W K H <sup>3</sup> A S D Y S H I N G L Y E V E N W C A S E S I N W H I C H \ R Q H <sup>3</sup>  
all-white southern juries found in favor of the slave, Marshall overturned the decisions  
and ruled in favor of the slaveholder.<sup>33</sup>

Unlike judges today, who generally interpret the law based on previous precedent,  
G X U L Q J 0 D U V K D O O <sup>3</sup> ~~T~~ D Q G H D R Q Q D H V W W K W H U Y L Q J F K L H I M X V W L F H  
work his way through previous precedent as modern courts do; he gets to make the  
S U H F H G H Q W <sup>3</sup> D Q G <sup>3</sup> F S J Q H D W H D Q K R Z X O <sup>3</sup> 0 D U V K D O O H [ W H Q G H G M  
D O R W R I F D V H V <sup>3</sup> D Q G Z D V F R Q V L G H U H G <sup>3</sup> D J H Q L X V D W H [ W  
to extend judicial authority on behalf of humanity and those who he and other  
slaveholders like himself kept in bondage.<sup>35</sup> Thus, when deciding legal issues concerning  
slavery, Marshall was not constrained by the law or previous court precedent. Instead,  
he simply put his personal and financial interests first and chose to uphold the stench of  
V O D Y H U \ G H V S L W H G H F O D U L Q J L W <sup>3</sup> F R Q W U D U \ W R W K H O D Z

- C. Present -day commemorations to dead slaveholders and confederate  
soldiers cause emotional \_\_\_\_\_ and psychological harm to the B \_\_\_\_\_ lack  
community and Americans in general \_\_\_\_\_.

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These racist

commemorations inflict cultural and structural harm n >the descenda  
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childre >are aware that their schools are named after individuals who enacted  
intentional or severe or intentional and severe harms on their communities, it affects  
how they want to participate in schooling as a system [and] how they understand  
themselves ± [their] positive racial identity, [their] positive self - regard ± and it affects  
their long - term investment and fidelity>to the democratic process>that p urportedly we  
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)RU H[DPSOH ZKHQ 8& %HUNOH\ /DZ 6FKRRO PDGH WKH GHFLVLRQ WR UHPRYH -RKQ %RD  
name from the largest building on campus>because of his strongly held racist  
vi ewpoints,>the school made sure to point out and address the present - day harm racist  
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OLNH -RKQ %RDOW¶V QDPH RQ D EXLOGLQJ EHFDXVH WKHVH V\PEROV DFW WR UHLQIRU  
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this>history>then feel excluded, like there is an endorsement of that racism by the  
LQVWLWXWLRQ 39WVHOI ´

Thus,>it is crucial that we address and prioritize the pres ent - day harm these  
commemorations continue to have on people of color over our apparent need in society  
to honor and commemorate controversial and dead figures of the past. Indeed, many  
Black people understand and share the sentiments expressed by Dr. Wood son during  
WKH IRUXP ZKHQ VKH H[SODLQHG MXVW KRZ GLIILFXOW LW LV DV D %ODFN SHUVRQ 3WR  
country>where the possible sentiments or good deeds of white men who have been dead  
for centuries override the hopes of the Black [and minority] students [try ing] to increase  
WKHLU VHQVH RI SV\FKRORJLFDO VDIHW\ RQ WKH FDPSXV WKH\ SD\ WR DWWHQG ´

However, the harmful effects of slaveholder and confederate commemorations are not  
isolated to people of color. As Professor Jacqueline Jones 41 made certain to point out  
during one of the forums, as a white woman, she too was astounded to see statues of  
Jefferson Davis, Robert E. Lee, and Albert Sidney>Johnston when she first stepped foot  
on campus at the University of Texas. She exclaimed:

I was offended; I was shocked as an American citizen that people who had committed treason and taken up arms against the United States were given this place of honor on the campus.... I knew who Jefferson Davis was and what he had done, but I had a visceral reaction. I was just so appalled by the sight of him. It was an offense. I was offended deeply as a citizen.<sup>42</sup>

Thus, confronting and addressing the harm slavery and symbols of slavery and oppression have had and continue to have on the Black community is not only necessary to the well-being of Black folks, but to all Americans.

D. Confronting the complex history of John Marshall and addressing the pain and sorrow his legacy has on people of color does not amount to

<sup>3</sup>FDQFHO FXOWXUH´ RU WKH. HUDVXUH RI KLVWRU\

Those who advocate for the removal of confederate statutes and the names of slaveholders from public buildings and spaces are routinely accused of trying to erase \$PHULFD¶V KLVWRU\ 6XFK D QDUUDWLYH KRZHYHU PLVFR natu UH RI WKH SHWLWLRQHUV¶ GHPDQG IRU DFFRXQWDELOLV namesake.

:H KDYH QRW EHHQ DVNHG WR <sup>3</sup>HUDVH´ -RKHQ of our the K DOO IUR history of this Law School. Nor have we been asked to alter or eliminate the significant and profound role John Marshall played in the development of judicial review or our OHJDO V\ VWHP LQ JHQHUDO )UDQNO\ DQ\ VXJJHVL RQ WK Marshall from our history books or from the history of this college, not only smacks of arrogance, but drastically overstates the power and influence we have over historical figures. John Marshall will always have his distinct place in history as the founding father of our legal system and will always be a significant figure in the legacy of this Law School.



would say to the contrary.

When UIC announced its decision to change the name of its law school, it explained  
3 WKDW GHVSLWH & KLHI -XVWLFH 0DUVKDOO¶V OHJDF\ DV RQ  
Supreme Court justices, the newly discovered research regarding his role as a slave  
trader, slave owner of hundreds of slaves, pro-slavery jurisprudence, and racist views  
UHQGHU KLP D KLJKO\ LQDSSURSULDWH¶V QDPH IRU WKH  
process, UIC identified and adopted the following three principles to guide its decision:

1. 7KH /DZ 6FKRRO¶V RIILFLDO QDPH VKRXOG DOLJQ ZLWK
2. 7KH /DZ 6FKRRO¶V RIILFLDO QDPH VKRXOG EH UHVSRQV  
increasingly diverse public to resist the vestiges of slavery and confront white  
supremacy.
3. 7KH /DZ 6FKRRO¶V QDPHVDNH VKRXOG KDYH VRPH FRQG  
Law School or provide some concrete benefit to the School<sup>6</sup>

Moreover, the concept of renaming institutionsMCI>-3<6 -4(s )3( wena)5(rovig)-8(c)4(i -4(.))TJy )3(d)-5

committed by the namesake of our beloved law school and putting an end to the undeserved honorarium bestowed upon a man who bought, sold, and enslaved hundreds of other human beings and who hadno affiliation at all with C|M|LAW or CSU.

To further assist in the process of evaluating whether to remove or retain the John Marshall name, the Law School hosted a series of forums on the topic featuring some of the top experts, scholars, and historians in the country.<sup>48</sup> While moderating the forum

RQ WKH <sup>3</sup>\*XLGLQJ 3ULQFLSOHV IRU 1DPLQJ DQ ,QVWLWXWLR  
H[SHUW SDQHOLVW WKH IROORZLQJ TXHVWLRQ <sup>3</sup>'R ZH PDNH  
value

following guidelines<sup>53</sup> adopted by the College of William & Mary when considering the naming and renaming of an institution or parts thereof:

1. 7KH QDPLQJ DQG UHQDPLQJ SURFHVV PXVW UHSUHVHQV constituencies.
2. Names associated with the institution should represent the present mission and values of the college 7R GHPRQVUDWH WKH FROOHJHV F LQFOXVLRQ HTXLW\ DQG MXVWLFH ZH VKRXOG IRFXV present values ±not the past.
3. Naming or changing names associated with the institution should contribute to the increase in diversity of commemorations across the college campus. Naming and renaming provides unique opportunities to foster a more welcoming, equitable, and inclusive campus environment that embraces diverse individuals and perspectives across a broad spectrum of differences (i.e., race, gender, religion, etc...).
4. The decision to rename an institution (or portions thereof) associated with a historic figure should meet a high standard and should only be done after undertaking thorough and comprehensive research and deliberation that takes into account the present mission and values of the college.
5. Where appropriate, the name should be relevant to the institution or program. Strong consideration should be given to whether the person had any ties or

1. Does the naming commemorate an individual who inflicted harms on a living person that would be actionable in a federal court? If so, remove the name; if not, move to the next question.
2. Did that individual institute or order the commission of treason, capital crimes, slavery, or other crimes?  
712 7re W\*292 re 292 7re W\*2(tuallda

known affiliation or connection to the current or previous configuration of this Law School.

\$ Q G L I W K D W Z D V Q ¶ W H Q R X J K W K H D Q V Z H U W R D V K O H ¶ V L I W K  
name be removed from the Law School. John Marshall took no steps or action whatsoever to mitigate the historical harms he caused to enslaved people and their descendants. Marshall had every opportunity in the world to redeem himself for his active participation in slavery and for his pro -slavery jurisprudence, but he never did. As

present mission and values of this institution, nor does it align with the recent and heightened commitments made by both the Law School and CSU to foster an environment that is welcoming and supportive of all people and to work towards a goal of antiracism.

F. The present -day mission and values of CSU Cleveland -Marshall College of Law demonstrate a strong commitment to social justice, diversity, equity, inclusion, and antiracism, which are diametrically at viewpoints .

The mission of C|M|LA W is to Learn Law, Live Justice. The Law School is committed to diversity and fighting for racial and social equality. As stated on the Law School website, "The Law School is committed to the guiding values of the Law School include: civic engagement and leadership; diversity, inclusion, and opportunity; professionalism and integrity; and social justice and civil rights among others."<sup>61</sup>

The Law School also markets itself as a leader in social justice movements that is committed to diversity and fighting for racial and social equality. As stated on the Law School website, "The Law School is committed to the guiding values of the Law School include: civic engagement and leadership; diversity, inclusion, and opportunity; professionalism and integrity; and social justice and civil rights among others."<sup>61</sup>

CSU Cleveland-Marshall graduates have a history that is strong in social justice, leading at the forefront of major social movements such as suffrage and civil rights. Committed to diversity, we have admitted women since we were founded in 1897, and were one of the first law schools in Ohio to admit African Americans. Today, our students learn to recognize injustice through hands-on work for reform through our Criminal Justice Center, and our commitment to fight for [racial and social justice](#).<sup>62</sup>

Furthermore, in the wake of the murder of George Floyd and the civil rights protests that followed thereafter, both CSU and the Law School issued multiple statements reconfirming their values and commitments to diversity, equity and inclusion and promising to strengthen their commitments to address racial equity, social justice, and the impact of systemic racism on students, faculty, and staff of color. The Law School also created a Racial Justice Task Force<sup>63</sup> a Social Justice and Antiracism Resources

[KWWSV ZZZ ODZ FVXRKLR HGX PHHWFPODZ PLVVLRQ](#)  
6 [KWWSV ZZZ ODZ FVXRKLR HGX VLWHSV DSD DIXGV FHHG HSG QHZV](#)  
6 [KWWSV ZZZ ODZ FVXRKLR HGX VLWHSV DSD DIXGV FHHG HSG QHZV](#)  
UDFLVP [KWWSV ZZZ ODZ FVXRKLR HGX PHHWFPODZ QRURRPI](#)  
[KWWSV ZZZ ODZ FVXRKLR HGX PHHWFPODZ QRURRPIRUVLOHQF](#)

Guide,<sup>64</sup> DQG D VRFLDO MXVWLFH DQG DQWLUDFLVP ZHESDJH H  
6LOHQFHK/LYH -XVWLFH

Included on the social justice and antiracism webpage are the following messages from  
C|M|LAW Dean Lee Fisher and President of Cleveland State University, Harlan M.  
Sands:

- x 3\$ FKDOOHQJH IRU DOO RI XV OHW V ORRN LQVLGH RI R  
and unconscious racial biases by questioning everything, listening more closely,  
and then ±most important ±becoming an active participant in changing our  
FROOHFWLYH SDWK IRUZDUG
- x 3>0 @DQ\ RI RXU VWXGHQWV - ~~Madam Justice Bar & Law but~~ HODQG  
DV RXU PLVVLRQ FULHV RXW WR μOLYH MXVWLFH ¶ 7R D  
forcefully call out injustice and decry inequality.... Those of us who have not lived  
the experience of racism that defines the lives of so many must dedicate ourselves  
to using the privilege of our life experiences to bring about change. We must pledge  
to examine our own conscious and unconscious biases and how we can better stand  
in solidarity and alliance with communities of color and the disenfranchised. Last  
week, we sent messages offering our unequivocal support and affirmation to our  
students of color, and reaffirming our law school O¶V FRPPLWPHQW WR RXU P  
μ/LYH -XVWLFH¶ :H UHFRJQLJH WKDW WKLV KDV LPSDF  
color law & business school in unity, especially for Black students, faculty members  
BT/C2\_0387.1



These are the foundations, principles, and values that are at the core of C|M|LAW . It is these principles and values upon which we recruit students and hire faculty and staff. Yet, the namesake of our Law School failed to live up to these principles and values. In fact, the decisions made by Chief Justice John Marshall from the bench and in his personal life were diametrically opposed to the principles and values adopted and expressed by this Law School.

Are Black faculty, staff, students, alumni, and other people of color of the Law School community simply supposed to forget about the above promises and renewed commitments made by the Law S



fellow jurists on the Supreme Court.<sup>72</sup> Likewise, even President John Adams had no clue Marshall was enslaving hundreds of people back in Virginia when he appointed Marshall to the Supreme Court.<sup>73</sup>

0DUVKDOO¶V DELOLW\ WR NHHS KLV VODYHKROGLQJV ODUJ  
Marshall to publicly advocate that slaves be freed and shipped to Africa for re-colonization in Liberia, all while privately refusing to free any of the hundreds of people he enslaved throughout his lifetime. So, again, Marshall had no problem encouraging other slaveholders to free their slaves and send them to Africa, but he was unwilling to do so himself.

Clearly, Marshall knew slavery was immoral and wrong and that the right thing to do would have been to free his slaves and to declare from the bench that the inhumane practice of slavery was illegal under the laws and the Constitution of the United States. However, Marshall lacked the moral character and fortitude to do what was right concerning slavery. He was unwilling to sacrifice his own wealth, which was amassed through slavery, and he harbored racist viewpoints and beliefs that the Black men, women, and children he enslaved were unable to live in harmony with White people and would violently rise -up and attack their former enslavers if freed and not sent back to Africa.

IV. Some Alternative Naming Options

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7HUU\ %LOOXSV μ 3 .HOO\ 7RPSNLQV μ

It should be noted that the primary issue before us now is whether to retain or remove the name of John Marshall from our Law School. We have, however, included this brief section devoted to some possible alternative names simply for context and discussion.

The imperative for changing the name of the Law School and removing all references to Chief Justice John Marshall is brought into sharper focus when you consider that there are other viable and appropriate naming alternatives available that align with the Law School's values and history. Our excellent alternatives are described below, each of which provides a unique opportunity to foster a more welcoming, equitable, and inclusive campus environment that embraces diverse individuals and perspectives across a broad spectrum of differences. However, this is not intended to be an exclusive list; there are, of course, other possible alternative names that could be considered if the Law School is no longer named after Chief Justice John Marshall.

A. 7KXUJRRG 0DUVKDOO VXEPLWWHG E\ -XGJH 5RQDOG \$G

It is not necessary to change our Law School's name. In America, it is only necessary to change for whom the school is named. Instead of naming the Law School for U.S. Supreme Court Chief Justice John Marshall it could be named for U.S. Supreme Court Associate Justice Thurgood Marshall. Among other things, Thurgood Marshall was an exemplary appellate advocate. As a civil rights litigator, he argued 32 cases before the U.S. Supreme Court, more than any other individual in the history of the republic. Of those cases he p

supported expanding civil rights, enacting affirmative action laws, and limiting criminal punishment.

Renaming the Law School after Justice Thurgood Marshall benefits our institution in several ways:

- x It honors a truly deserving giant of U.S. Supreme Court jurisprudence.
- x It honors an L Q G L Y L G X D O Z K R V H H Q W L U H L O a t n l l a w H I E R G L H G R X Justice ' Justice '.
- x It allows us to retain our brand without disruption.
- x It sets a tone for examining and resolving issues of racial inequity, at home and abroad.

Following his death, in 1993, the U.S. Supreme Court approved a special resolution honoring him. In it, Chief Justice William Rehnquist wrote:

The majority of the Supreme Court Justices are almost always remembered for their contributions to constitutional law as a member of this Court. Justice Marshall, however, is unique because his contributions to constitutional law before becoming a member of the Cou rt were so significant.

Inscribed above the front entrance to this Court building are the words, μ ( T X D O - X V W L F H 8 Q G H U / D Z ¶ 6 X U H O \ Q R L Q G L Y L G X D O C words a reality than Thurgood Marshall.

\* L Y H Q R X U L Q V W L W X W L R Q ¶ V V F H U W K Q W Q X D P H V W R I B H D P D W H U D F R Q Y H Q L H Q W ' R U D V <sup>3</sup> D G L V L Q J H Q X R X V D Q G H [ S H G L W L R X V S U R E O H P ' : H V H H L W D V D K D S S \ F R L Q F L G H Q F H W K D W Q R V directly addresses the seminal issue that brought the matter before us for resolution in the first place: the historic racial inequities promulgated, advanced and/or tolerated by the founders of this country.

Thurgood Marshall is quoted as saying:

I wish that racism and prejudice were only dis tant memories. We must dissent from the indifference. We must dissent from the apathy. We must G L V V H Q W I U R P W K H I H D U W K H K D W U H G D Q G W K H P L V W because America can do better, because American has no choice but to do better.

Renaming CSUCleveland-Marshall College of Law after Thurgood Marshall would allow us to expeditiously move on to spend our time identifying and addressing concrete and



Not to be outdone by his little brother, Louis Stokes also made a name for himself in politics. Just one year after Carl was elected Mayor of Cleveland, Louis became the first Black U.S. congressman from the State of Ohio in 1968. He represented his congressional district for 15 consecutive terms (30 years).

During his tenure in the U.S. House of Representatives, Congressman Stokes was one of the founders of the Congressional Black Caucus (CBC) and served as chairman of the CBC for two consecutive terms. He was the first Black representative to chair the House Intelligence Committee and to serve on the influential House Appropriations Committee, which oversees all federal spending bills. Representative Stokes also chaired the House Ethics Committee and the Special Committee assigned to investigate the assassinations of President John F. Kennedy and Martin Luther King Jr.

Two years after his brother Carl died, Louis Stokes announced his retirement from Congress in 1998. After his retirement from public service, Congressman Stokes returned to his roots as a lawyer and became senior counsel at the Cleveland-based law firm of what was then Squire, Sanders & Dempsey (now Squire Patton Boggs).

Throughout his life, Louis Stokes was committed to the Law School and was an inspiration to students, alumni, faculty and staff. A prime example of his commitment to the Law School was his establishment of the Louis Stokes Scholarship Fund for minority students seeking law degrees. I know first-hand of his commitment because I was one of those students. As a Black C|LAW student seeking my juris doctorate, I was a past recipient of the Louis Stokes Scholarship Award. This is how I first met the Honorable Louis Stokes. He was giving back to the students and to the law school that thought him

K R Z | Law, Live Justice





- XULVSUXGHQFH LQ \$PHULFD 7KDW FRXUVH VWDUWHG ZLW  
from the Birmingham Jail. Judge Blackmon was her law clerk at the time and worked on  
the draft of the course.

Renaming the Law School after Judge Ann Aldrich would truly be an honor for the  
school, the Cleveland community, the State of Ohio, and the nation.

D. Cleveland State University College of Law (submitted by P. Kelly \_\_\_\_\_)  
7RPSNLQV μ

Since 1969, CSU Cleveland-Marshall College of Law has been affiliated with and an  
integral part of Cleveland State University. Appropriately, the formal name of the Law  
School on its website, marketing material and related literature reaffirms this affiliation:  
³ & OHYHODQV & ROOHJH RI /DZ RI & OHYHODQG 6WDWH 8  
VWDNHKROGHUV XQGHUVWDQGDEO\ UHIHU WR DQG NQRZ WK  
ODUVKDOO 'RXU SOXV \HDU KLVWRULFDO WLH WR & OHYH  
inextricably linked to our identity as a law school, QGHHG ZH DUH & OHYHODQ  
School.

As the debate over whether to remove the reference to Chief Justice John Marshall in  
our name and various renaming options are evaluated, serious consideration should be  
JLYHQ WR VKRUWHQLQJ RXU QDPH WR ³ & OHYHODQG 6WDWH  
following reasons:

- x By tying the name of the Law School to an institution (in this case Cleveland State  
University) rather than an individual, we would effectively eliminate the potential  
IRU DQ\ IXUWKHU IXWXUH FRQWURYHU\ WKDW FDQ RF  
QDPH LUUHVSHFWLYH RI WKDW SHUVRQ¶V KLVWRULFDO  
in the local community. With the exception of a distinguished few, such as Justice  
Thurgood Marshall who powerfully reflects our social justice heritage and ethos  
as well as the strength of our historically diverse student body, any other  
individual naming option will likely risk alienating some segment of our  
stakeholder base at some point in time.
- x While the name Cleveland State University College of Law may at first blush seem  
too generic, in reality it would be a very unique name as no other law school in  
the country would carry this name. On the other hand, even though adopting  
-XVWLFH 7KXUJRG ODUVKDOO¶V QDPH LV D FRPSHOOLQ  
know there is already at least one other law school bearing the name of Justice  
Thurgood Marshall (i.e. Thurgood Marshall School of Law, Texas . Thurgme.<00030046><004E

would be logistically easier and less controversial assuming appropriate diligence was done with K UHVSHFW WR WKH GRQRU¶V SURSRVHG QDPH

- x 7KH HDVH RI LPSOHPHQWLQJ WKH <sup>3</sup>&OHYHODQG 6WDWH compelling as the affiliation with the overall university is already well known thus making the marketing and branding effort relatively straightforward.
- x In view of the ongoing work of exploring various alliances or partnerships with the University of Akron School of Law (let alone the prospect of a future merger), making the change to Cleveland State University College of Law could work as <sup>3</sup>SODFHKROGHU´ SHQGLQJ WKH RXWFRPH RI WKHVH FRO might, albeit not near term, present new naming considerations not presently foreseeable.
- x By more affirmatively highlighting our ties to Cleveland State University, we may be better positioned to secure financial assistance and political support from the university in rolling out the marketing communications effort that will be needed WR VXSSRUW DQ\ QHZ QDPH RU <sup>3</sup>EUDQG´ VWUDWHJ\ WKD

E. Conclusion

Any one of the aforementioned names would serve as an excellent and appropriate UHSODFHPHQW IRU WKH ODZ VFKRRO¶V FXUUHQW QDPHV DN

V. Why We Should Make this a Teachable Moment

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Background and Context

In July 2021, our Law School received a petition requesting that the name of the Law  
6FKRRO EH FKDQJHG EHFDXVH RI -RKQ 0DUVKDOO¶V FRQQH  
School Name Committee was formed comprised of a diverse group of faculty and  
alumni. In order to more fully inform all internal and external stakeholders, a series of

selected for the benefit of both the current Law School community and future generations of students. Simply put, we must not only document and celebrate our history but also we can look forward to the future.

- x An ongoing conversation : We do not want this controversy to end the moment to create an ongoing, enduring dialogue about the broader issues of how we process and reflect on our history particularly when it impacts current societal issues and controversies. Our overriding goal is to encourage, learning, mission ±Learn Law, Live Justice.
- x A Constitutional Law Center focused on exploring issues of constitutional law, racial justice, and social change. This Center may do the following:
  - o Consider seeking a joint venture with the John Marshall Institute at Marshall University in West Virginia. This venture could be modeled loosely after the initiative recently begun by George Mason University. Their project, with notable student involvement, seeks to foster a fuller comprehension of the consequences of slavery and thus bring a more complete and true understanding of issues of race in the United States. Such a venture would be in line with and supportive of our mission ±Learn Law, Live Justice.
  - o Hold a bi-annual conference or symposium asking provocative questions to stimulate an informed discussion about law, culture, racial equality, and social change, and about how we confront and understand
    - x The conference will be multi-disciplinary, involving the entire CSU community, which includes other departments, faculty, staff, and students.
    - x Format of bi-annual conference: A conference which may include 2 or 3 panel discussions along with a nationally recognized keynote speaker. Departments: Political Science, Sociology, History, Business, and Ethnic Studies departments.
    - x The Law School is well positioned as a citadel of free speech and inquiry. We may seek partnerships with local community organizations such as the City Club, Bar Associations (CMBA, Norman Minor Bar), the Diversity Center of Northeast Ohio, and the Facing History organization to expand our reach and perhaps solicit sponsorships.
    - x Audience and reach: We want to reach a national audience and

- o Hold Periodic Forums or Panel Discussions : We want to periodically hold smaller forums or panels to address current or prevailing hot topics about these broader issues.
- o Foster Student Initiated Dialogues : We want to encourage student participation and leadership in this ongoing conversation. We envision a student organization or committee helping to develop programs about the broad issues of racial equality and social justice. For example, The Black Law Student Association and/or the Dean Leadership Fellows group could be considered.
- x Promote Leadership and civic engagement : Our ongoing dialogue seeks to promote good leadership on these issues. A good leader learns how to listen and synthesize conflicting opinions and views, then take appropriate and effective action. We envision faculty who are not only competent in their chosen practice area but is engaged from a civic standpoint in their communities promoting civil discourse particularly with respect to matters of legal, social, cultural and political controversy.
- x We envision faculty (perhaps from the Law School and College of Urban Affairs) and students working collaboratively to encourage civil dialogue and civic engagement with respect to the most pressing issues facing this nation, the state of Ohio, and the Cleveland metropolitan area.



## Guiding Principles 1

Below are

history itself; a naming commemorates an aspect of history, representing a moment in the past when a decision defined who would be honored.<sup>4</sup>

- x Naming decisions should complement and supplement other initiatives to achieve equity and inclusivity. Names and symbols matter to our campus and community, but the addition, removal, or contextualization of names and images are neither the sole nor the primary ways by which the Law School and University fulfill its aspirations to become more fully inclusive to people from all backgrounds. <sup>5</sup>
- x History is the past that affects our present and future realities. A primary reason we study history is for a moral purpose: to learn from past behaviors and actions ±good and bad ±with the hope of adjusting future behaviors to reflect the positive actions and avoid past moral mistakes. History often involves painful recollections of our past, but we are shaped and influenced by that history and must allow ourselves to learn from it. We must take care in the process of discernment related to contested names not to obfuscate our history and thus avoid challenging conversations that could result in a healing dialogue in our communities. <sup>6</sup>
- x Naming articulates the Law School, University, and community values, identifying a person whom the Law School and University have chosen to honor for their accomplishments, recognizing that few, if any, individuals can meet a standard of perfection. <sup>7</sup>
- x Many of our historical figures after whom institutions are named led FRQWUDGLFWRU\ OLYHV WKDW VHUYH DV D FRQVWDQW contradictions. Many of their stories hold multiple truths <sup>2</sup> that they did truly great things and they did reprehensible things that we should unequivocally condemn and never excuse.

&KLHI -XVWLFH 0DUVKDOO¶V &RPSOH[ /HJDF\

- x We should encourage a robust debate about the way Chief Justice Marshall



include his actions during his lifetime, and, most significantly, his principal legacy in the present. His history and legacy should be appropriately chronicled

- x The name of the Law School should foster an inclusive space for all students that affirms and respects their identity. Our campus naming practices should indicate (we15(a)-4(aome))-5(l)-rms)3(l

st

x



EXHIBIT 3

Stakeholder Feedback Quantitative Data

The Feedback Form asked participants to respond to the following prompts:

x



## Stakeholder Group Responses to Keep the Name

Figure 2. Responses to keep the name.

Of the total number of stakeholder participants, 683 indicated the L Tf wp1 q 0 0 6n BT /T35 Td [(paG

## Stakeholder Responses to Change the Name

Figure 3. Responses to change the name.

Of the total number of stakeholder participants, 548 indicated the Law School should change the name. The break down by stakeholder group was as follows:

- x Law alumni : 44.8% (n = 246)
- x Law students : 27.3% (n = 150)
- x Legal community : 8.2% (n = 45)
- x CSU community : 5.8% (n = 32)
- x General community : 5.4% (n = 30)
- x Law faculty (full -time, adjunct, emeritus) 4.3% (n = 24)
- x Law staff : 3.8% (n = 21)



## Stakeholder Responses who were Undecided

Figure 4. Undecided responses.

Of the total number of stakeholder

- x Law Students: 303 responses
  - o Keep the name: 39.6% (n = 120)
  - o Change the name: 49.5% (n = 150)
  - o Undecided: 10.8% (n = 33)
  
- x Legal Community: 90 responses
  - o Keep the name: 41.1% (n = 37)
  - o Change the name: 50% (n = 45)
  - o Undecided: 8.8% (n = 8)
  
- x CSU Community: 50 responses
  - o Keep the Name: 32% (n = 16)
  - o Change the Name: 64% (n = 32)
  - o Undecided: 4% (n = 2)
  
- x General Community: 49 responses
  - o Keep the Name: 30.6% (n = 15)
  - o Change the Name: 61.2% (n = 30)
  - o Undecided: 8.1% (n = 4)
  
- x Law Full -Time, Adjunct, and Emeritus Faculty: 39 responses
  - o Keep the name: 28.2% (n = 11)
  - o Change the Name: 61.5% (n = 24)
  - o Undecided: 10.2% (n = 4)
  
- x Law Staff: 29 responses
  - o Keep the name: 10.3% (n = 3)
  - o Change the name: 72.4% (n = 21)
  - o Undecided: 17.2% (n = 5)



## EXHIBIT 4

### Stakeholder Feedback Qualitative Data and Methodology

The Feedback Form prompted each participant to offer their comments as why they believed we should keep or change the name of our Law School. A committee consisting of law alumni, full-time law faculty, law staff, and law students conducted a qualitative analysis of the 143 pages of narrative commentary. The methodology is outlined below.

In reviewing the narrative commentary, several major themes that supported keeping the name or changing the name were identified. A list of these major themes and some representative quotes are shown below.

#### Representative Themes for Keeping the Name

We Should Evaluate Chief Justice Marshall by the Standards and Values of his Time.

Justice John Marshall was literally the father of the US Judicial System. We are all fallen in the eyes of God and holding every historical figure to current standards is a slippery slope. Under that standard, virtually no one will rise above that bar. Analyzing their accomplishments and, above all, positive impact on culture and history is the standard. Under that standard, Chief Justice Marshall was a giant and created and cemented true separation of *powers and judicial supremacy.*" Law Faculty

*"People need to be judged in their times. It is completely unfair to judge someone from 200 years ago using today's standards. We will look back to how society behaved today and will grow, learn, and realize that people did some pretty stupid things in 2021. It is unreasonable to argue that we need to judge past behavior by today's standards."* Law Alumnus



diversity and in finding ways to bridge the widening social and economic gaps in our communities    Law Alumnus

Representative Themes for Changing the Name

to be honored in this way. Other than the name he has no connection to our school, and historically our school has done little to emphasize the John Marshall legacy. Many of our students of color, and alumni of color, have made it very clear that the continued use of this name is a serious affront to their dignity, and those views must be taken extremely seriously. It is time for a *change.*" -Law Faculty Member

*"Marshall has no relationship to Cleveland State, and, to my knowledge, never even stepped foot in Ohio his entire life. Additionally, his status as a slaver and his legacy as a justice (for instance, his unconstitutional invention of judicial review) do not seem to recommend naming an Ohio law school after him."*  
Law Student

We Must Consider the Unique Impact of the Law School Name on People of Color.

*"When institutions commemorate and honor dead slaveholders and confederate soldiers it causes an undeniable toll on the psyche of Black men, women, and children and can result in emotional and psychological harm to Black students, faculty, staff, alumni, and other people of color in the local community who must encounter these symbols of racism, oppression, and slavery on a daily basis. Thus, why would we, as a public institution, knowing all that we now know, should not continue to honor and commemorate a man who enslaved hundreds of human being."* – Law Student

This issue is larger than Justice Marshall. This is also about who we are and who we endeavor to be in the community. Do we strive not just for some amorphous sense of "diversity and inclusion" or do we strive to be an institution that is actively anti-racist. I think some members of our community feel a sense of harm (and not pride) walking into an institution everyday named after such a figure. It seems to me, we should be more concerned about how we attend to those harms than the concerns of holding on to a name that may no longer serve us... *My conversations with various constituents have led me to a few conclusions: 1) that the debate is about, in part, that we are not sure who we are as an institution and who we strive to be; and 2) that the African American students and other students of color feel deeply wounded and unheard."* – Law Faculty Member

## Qualitative Data Methodology

### Qualitative Coding Committee

Nine people were selected to serve on the qualitative coding committee. They represented Law School students, faculty, staff, and alumni.

### Organization of the Data

prevent identification and bias. There were seven groups of quotes that reflected the seven participant groups.

The Committee members were unaware of the identity of the group they were coding to prevent bias. All identifying information was removed.

### Coding

- Committee members were trained on the coding process.
  - Committee members were assigned groups of quotes to review and identify themes.
- Each group was coded by at least two committee members to identify themes.

### Review of Data

A comprehensive list of themes was generated from the coded data.

- Themes were reviewed and revised according to committee consensus. The most prevalent and recurring themes across all stakeholder groups were identified for inclusion in the Report





















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**From**

**Date:**

**To**

**Subject:**

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Dear Jordan,

My thanks to you and your fellow BLSA officers are included in the final report to the University.

My best,  
Lee

Lee Fisher  
Dean [Cleveland-Marshall](#) | [Cleveland Law](#) University  
Joseph C. Hostetler - Baker Hostetler Chair in Law



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human beings, from all aspects of the law college prior to the Spring commencement, ensuring no other C|M|Law student graduates with the name of a owner on their diploma."

been individually petitioning school leadership to make such a change in recent years, catalyzed by the national reckoning with race in the wake of George Floyd's murder by Police in 2020. Many of the arguments were advanced in guest columns in this

and the naming committee at the behest of CSU President Harlan Sands. With representatives from the student body, faculty and alumni, the committee was tasked with a recommendation to the university's board of trustees — keep the name or don't — and proposing an alternate name if necessary. Current students say they've been frustrated by the lack of the committee's progress.

"I'm not doing anything," second-year law student Emily Forsee told Scene in a telephone interview Tuesday. Forsee is one of two "public-facing" members of Students Against Marshall University's lead author. "The committee was formed in the aftermath of George Floyd, at a time when the CSU website was slapping woke labels on itself, promising to do better. In that context, the fact that we're commemorating a slaveholder is absurd, and it's taking way too long to see that."

But that the Fisher-led committee has been unwilling to commit to a timetable, and the local student group Students Against Marshall finally took it upon themselves to meet with the university's board of trustees.

Forsee said. "They could call a vote tomorrow and vote to remove the name. The only thing they need is a simple majority."

The resolution demands immediate action. It acknowledges that the renaming discussions have been slow and deliberate, but argues that this shouldn't preclude the board from removing the name before a new name is selected. (The situation is not unlike asking for the removal of Chief Wahoo, even before a new name for the Cleveland MLB franchise was decided.)

The resolution asks that the naming committee "commit to severing the renaming issue from the rest of the agenda, and commit to submitting a recommendation for removal to the Board of Trustees. The resolution also asks the committee to appear on the agenda for the board's next meeting on January 27.

It's been so long that we've had a whole class of law school graduates who



that it won't happen again."

The letter also follows closely on the heels of an emergency resolution in Cleveland City Council, sponsored by Glenville Councilman Kevin Conwell, urging the CSU Naming Committee to change the law school's name as well.

In response to emailed questions from Scene, a university spokesperson confirmed that the naming committee had no timetable for its decision and had nothing further to add beyond the statement below:

"The College of Law is working through a process evaluating its name. This is a consequential decision that requires careful study, and a thoughtful, inclusive process that considers different viewpoints from our entire law school and university community. Our process has modeled what we teach our law students – to listen and learn, and to withhold judgment until we have had a chance to evaluate what we have heard."

[Full Text Link](#) WKYC.com

## Examining efforts to rename Cleveland-Marshall College of Law and select CMUSD schools named after slave holders

January 26, 2022

Cleveland City Council recently passed a resolution urging Cleveland State University to rename the law school.

CLEVELAND – Cleveland City Council on Monday unanimously passed a resolution urging that the Cleveland-Marshall College of Law at Cleveland State University change its name.

The school is currently named after former U.S. Supreme Court Chief Justice John Marshall. The resolution, introduced by Councilman Kevin Conwell, states that historians believe Marshall owned hundreds of slaves on his several properties in various states.

"Though Marshall opposed the slave trade, he nevertheless owned slaves most of his life," the resolution added.

Even before Monday's council resolution was announced, the college has been taking a long, hard look at its name. As the nation was swept up in the calls for racial justice amid the death of George Floyd in the summer of 2020, a petition calling for the removal of Marshall's name was sent to both the Cleveland-Marshall College of Law at CSU, as well as at the John Marshall Law School at the University of Illinois Chicago.

"Anyone that was a former slave holder, that's wrong," Conwell told 3News Tuesday. "Anyone that has oppressed any individual, our children should not be honoring them by keeping their names alive."

CSU responded by forming a committee of faculty, staff, students, and alumni to begin the process of reviewing whether the name 'Marshall' should be removed. In 2021, the college held a series of six public forums to consider the matter: Three public virtual forums looked at how historians view institutional name changes and how other schools were handling similar cases, and three community town halls then allowed students, staff, faculty, and many alumni to express their views.

The committee pieced together a framing document laying out the arguments for and against changing the name, plus some alternative naming options. Law school and CSU community members are encouraged to fill out a feedback form between now and Jan. 17, and the college will then submit its findings to the university, which has the ultimate authority on whether or not the law school will change its name.

Lee Fisher, dean of Cleveland-Marshall College of Law, said in a statement to 3News:

*"We value the input of Cleveland City Council and members of the Cleveland community on this consequential decision for our law school. We are reviewing the resolution and carefully considering it as part of the inclusive and deliberative process evaluating our name. We look forward to updating the community on our progress."*

The Cleveland Metropolitan School District is also considering renaming seven schools that currently bear the names of slaveholders and other historical figures whose legacies have been tarnished by racism. The city council also passed a resolution in 2020, urging CMSD to rename schools commemorating figures like Founding Fathers Thomas Jefferson and Patrick Henry in a district where 64% of students are African American.

Conwell would like to see the schools bear names like Stephanie Tubbs-Jones, the late Ohio congresswoman. If that happens, then "that child will be able to see someone who looks like her and say, 'I want to become a judge, or a prosecutor, or a congresswoman.'"

The district identified five elementary schools — Albert Bushnell Hart, Louis Agassiz, Luis Marin, Thomas Jefferson, and Patrick Henry — which are named after people who had documented histories of participating in "systemic racism" and "oppression." Following a review process, these schools could potentially have new names by the 2022-23 school year.

By Adam M. Carrington January 17, 2022 6:30AM

Civic iconoclasts are wrong to target the early Supreme Court chief justice for owning slaves while working against slavery.

Our age of civic iconoclasm continues apace. In obedience to our misguided, new pieties, #UO and #KKK Marshall. This comes after the UIC John Marshall Law School decided to change its name to the University of Illinois Chicago School of Law last year. This indiscriminate purge makes no distinction between those who were true purveyors of evil and oppression.

Marshall stands among the great forgers of America in general and of the U.S. Supreme Court in particular. He voted to support the Constitution at the crucial Virginia ratifying convention. He served important duties overseas in France. Above all, he served as the most consequential chief justice of the United States Supreme Court in American history. His opinions in cases such as Marbury v. Madison, McCulloch v. Maryland, and Gibbons v. Ogden established baselines for judicial power and federalism that redound to this day.

u U as a slave- U

Marshall indeed owned slaves. He did so to his own economic benefit, helping to make him one of the richer men in Virginia at the time. I need not critique those actions in my own words. I U

In The Antelope, Marshall considered his opinions on the international slave trade. While

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diploma," said Emily Forsee, a second-year Cleveland-

The result is a ruling undermining Native American claims to lands they lived on for so long. They were "denied justice," Kassis said.

This is how he feels about his own family.

It was at this point Kassis said he began considering whether to pressure his alma mater to change its name.

But time passed. He graduated from law school and returned to Northeast Ohio (he has family in Youngstown), where he began to focus on his career and professional life.

Then came spring 2020 and the extrajudicial murder of George Floyd by a Minneapolis police officer. What followed was a countrywide reckoning for racial justice that led to riots in downtown Cleveland.

"I just felt helpless at that time," Kassis said. "I thought, 'How can I contribute to justice in America?' And this was it."

In June 2020, he created the petition titled "Rename John Marshall Institutions." He sent it directly to deans at Cleveland-Marshall and his Chicago alma mater.

"It just felt like the right time to do it," Kassis said.

Kassis later discovered the 2018 book "Supreme Injustice: Slavery in the Nation's Highest Court" by Paul Finkelman. The book dives into John Marshall's history as an owner of people. He owned hundreds of slaves throughout his life, traded them and used his position on the Supreme Court to keep slavery intact.

"It wasn't until 2018 that people really knew how bad Marshall's slave ownership was. Thanks to Dr. Paul Finkelman. All the lead 'scholars' before him either denied or buried the fact that he was a slave master who traded in slaves," the petition notes. "To this day, those same scholars fail to recognize the truth. Meanwhile 18 schools (and two law schools) carry on Marshall's name."

'People are frustrated'

All that is necessary to alter the school's name is a vote by the college's board of trustees. But any action is unlikely until an official recommendation has been supplied by the name-change committee.

When asked about a timeline for a resolution to the situation, Cleveland-Marshall provided the following statement: *"The College of Law is working through a process evaluating its name. This is a consequential decision that requires careful study, and a thoughtful, inclusive process that considers different viewpoints from our entire law school and university community. Our process*





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John Marshall was the fourth and longest-serving chief justice in U.S. history. He was also a Founding Father and secretary of state. Some consider him the most influential Supreme Court justice in history, with contributions such as judicial review. Some historians say Marshall believed slavery was evil, opposed the slave trade and even 'k 'h . . . . . will and free about 90 slaves.

But Marshall himself owned a plantation and hundreds of slaves during his lifetime. He also had concerns about large-scale emancipation, worrying that free African-Americans might rise in revolution.

As a member of Students Against Marshall, Goggins made her case to remove his name from the school to city council.

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our forefathers for past sins. Instead, we should understand their legacies in their  
totality and with proper historical context while celebrating their enduring

But as the school hears from students and alumni, Goggins hopes the name will soon  
come down.

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Goggins.

[Full text link](#) The Exponent

Lana Mobydeen, a Cleveland-



Ted Diadiun, columnist:



life he bought and sold slaves, gave them to relatives and actively participated in the business of human bondage.

By 1830, Marshall had 150 slaves while also giving about 70 slaves to two of his sons between 1819 and 1830. When he died, he did not free the dozen or so personal slaves that had been loyal to him for most of their lives. But most importantly, in the roughly 50 cases that he heard as a justice of the Supreme Court involving slavery, he ruled against the slave and in favor of the slave owner in every case.

Marshall did not just limit his prejudice to blacks. In the 1823 decision of *Johnson v. U @* (21 U.S. (8 Wheat.) 543, 5 L. Ed. 681), Marshall ruled that Native Americans had no right to sell land they had lived on because they did not own it the government did. He found that the American government inherited the land over any rights that Native Americans claimed when it declared independence from Great Britain in 1776.

Cleveland-Marshall College of Law grew out of Cleveland Law School which opened in 1897,

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School was established in 1916 by Cleveland lawyers as a n15D0SchAvX:50N0IT:D5a'0F2XJGN0B\$e5P'0T4t

There are some alumni who adamantly oppose the change and vow that they will withhold any further contributions if the change occurs. Others are in favor and then there are those in the middle. One innovative contributor suggested the name stay the same but 'K U' name replaced with Thurgood Marshall.

Debate among alumni and students continues. Cleveland Councilman Kevin Conwell introduced a resolution before Cleveland City Council urging the change. Students Against Marshall was formed last November and on January 18, they submitted a formal request to the naming committee to make the change.

As a proud alumna, I find a great deal of merit in the movement for change. Within the last two years there have been discussions regarding the merger of Cleveland-Marshall College of Law and the University of Akron College of Law. If that were to happen, a name change could be made. Since talks of the merger seem to have been put on the back burner, that solution does not seem plausible.

Cleveland-Marshall College of Law has a proud history of graduating distinguished Clevelanders, including Carl and Louis Stokes, Mayor Frank G. Jackson, Congresswoman Marcia Fudge and Mary Grossman, the first woman in Ohio elected to Municipal Court as well as Lillian W. Burke, the first black woman in Ohio to serve as a judge. Numerous members of the municipal, state and federal judiciary are graduates, including members of the Ohio Supreme Court.

These graduates are among a host of minority, female and hardworking individuals of all races, colors and creed who would not otherwise have had a chance to go to law school. They represent the diverse nature of 21<sup>st</sup> century America where opportunities should be open to all. These graduates represent everything that John Marshall was opposed to.

It is my hope that the law school make the right decision and retire the name of John Marshall. Considering his history, Marshall needs to join Robert E. Lee and Jefferson Davis as footnotes to history, rather than central figures.

**C. Ellen Connally is a retired judge of the Cleveland Municipal Court. From 2010 to 2014 she served as the President of the Cuyahoga County Council. An avid reader and student of American history, she serves on the Board of the Ohio History Connection, is currently vice president of the Cuyahoga County Soldiers and Sailors Monument Commission and president of the Cleveland Civil War Round Table. She holds degrees from BGSU, CSU and is all but dissertation for a PhD from the University of Akron.**

[Full Text Link](#) - Cleveland Scene



Op-Ed: John Marshall was Pro-Slavery Extremist Even by 19th Century

The Declaration of Independence framed our social contract in terms of equality and the inalienable rights of life, liberty, and the pursuit of happiness. Governments are instituted among Men, deriving their just Powers from the Consent of the governed.

Alexander Hamilton in The Federalist Papers argued that The Constitution must be established by the voluntary consent of the whole people.

“We have a Black president, and we now have a Black female vice president.”

The point is, the social contract is based on the consent of the people. Ultimately, the rule of law is defined by the informed consent of the citizenry.

Abraham Lincoln had meant to include Black people in the social contract when he said that

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*Supreme Injustice*, I can attest to that recurring theme throughout the book, of

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John Malvin, who lived from 1795 to 1880, embodied the goals and ambitions worthy of consideration in any renaming discussion. He was a free African American and Ohioan who dedicated his life to fighting for equality and educational access. He worked tirelessly to improve the conditions and rights of Blacks who, like himself, combated segregation and systemic racism in the free states of the North.

John Malvin was all these things:

**Ardent abolitionist:** Ohio history includes documented stories of Malvin interceding to aid enslaved individuals escaping from the Cincinnati docks where they were bound for enslavement in the deep South.

**Outspoken advocate for repeal of \ Black Laws:** While Ohio was a northern state and slavery was banned under its 1803 Constitution, life was still harsh for African Americans. The Black Laws of 1801 built on earlier restrictions and required Black people to prove that they were not slaves and to find at least two people who would guarantee a \$500 bond for their good behavior. The laws made it illegal for Black Ohioans to vote, testify in court against whites, hold public office, serve in the militia, own guns or marry white individuals, among many other limitations. Malvin was a leading repeal advocate, sharing the stage with Frederick Douglass in 1847 and 1850, and he coordinated the celebration when the laws were largely repealed in 1849.

**Leader in the fight for the education of Black children:** Already able to read when he arrived in Ohio in 1827, Malvin learned that life was harsh in the free land of the North. Faced with the 1807 Black Laws, which barred education or school funding, the Black community had to raise their own funds and solicit public charity to provide education. Around 1832, Malvin met with other Cleveland Black men to set up a school for children, paying the teacher \$20 a month from their own funds. Efforts on behalf of Black education were expanded, creating a School Fund Society in 1835 to open so-called Negro schools in Cincinnati, Columbus, Springfield, and Cleveland. Cleveland City Council did not commit financial support for the Negro schools until 1843.

Worked

John Malvin embodied everything you could ask for in a reformer, leader and fighter for civil to any institution.

*Cleveland attorney Kevin Cronin is a board member for the nonprofit Restore Cleveland Hope, which partnered in the creation of the Underground Railroad Interpretive Center at the Cozad-Bates House in University Circle.*

[Full Text Link](#) - # # "

## Removing Marshall's name from CSU law school misguided

February 6, 2022

If the law school down the street wants to change its name, so be it. But there should be good reasons for doing so.

Chief Justice John Marshall wrote three great American Indian law opinions (the Marshall trilogy), and a lawyer who supports the name change, and who is quoted at length in "Cleveland-Marshall continues to grapple with name" (Crain's Jan. 24, 2022, edition), focuses on only one of them. (For what it's worth, that opinion in Johnson v. McIntosh largely restated a doctrine, the Doctrine of Discovery, that predated the United States and John Marshall. It's also a doctrine that arguably supports the id1o4 n 2(lt)-2('s )8(also )JJ ET Q 0 0 612 792 re W'n BT 0 g BT 0cA0 BT



frack is wrong with you people?

John Marshall is arguably the most important chief justice in the history of the court, credited with increasing its power and relevance in a still young, developing United States.

John Marshall.

Yes, he owned slaves, and yes, slavery was and is wrong. But many of the Founding Fathers were slave owners. Do the members of the roundtable in favor of removing the Marshall name want to tear down the Washington Monument or the Jefferson Memorial, or rename every building that bears their names?

Honestly, this craziness that some of us warned about 30 years ago actually discourages qualified people from going into law, education and government.

Tom Blackford,

Shaker Heights

[Full Text Link](#) - Cleveland.com

## Cleveland State University's Law School Named for a Slaveholder Should Not Be City Concern

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By Justice B. Hill, Cleveland.com

Cleveland, Ohio With all the issues that dog our city, Cleveland City Council took on one that, frankly, ought to be left to others.

On the urging of Councilman Kevin Conwell, its loudest voice, City Council approved a meaningless resolution last month that called for removing the name John Marshall from the Cleveland-Marshall College of Law at Cleveland State University.

The reason?

Marshall, the fourth chief justice of the U.S. Supreme Court, was a slaveholder.

Before a vote on the resolution, Conwe





*Justice B. Hill grew up on the city's East Side. He practiced journalism for more than 25 years before settling into teaching at Ohio University. He quit May 15, 2019, to write and globetrot. He's doing both.*

[Full text link](#) Cleveland.com

We must be fearless in teaching and speaking the truth about our past, and today: Thomas Kim Hill

8 S G D W H B

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CLEVELAND - It is good news that the Cleveland-Marshall College of Law is considering a name change. We now all know John Marshall was a slave owner, as were many other Founding Fathers, like George Washington and Thomas Jefferson.



there were security guards at every entrance. Things got back to normal and we finished the school year successfully.

Not to give the wrong impression, I must say that I have good memories from those years.

The principals and teaching staff were almost all Black, and they were supportive o