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## In Memoriam: Edward A. Mearns, Jr.

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*Jonathan L. Entin*<sup>†</sup>

Ted Mearns was my neighbor, both literally and figuratively. For the last nine of his twenty-four years on our faculty, he had the office next door to mine. We also lived in Shaker Heights, where Ted's late wife, Pat, served two terms as mayor and on city council before that.

Our physical proximity gave us plenty of opportunities to get to talk, largely (but by no means exclusively) about our shared interests in constitutional law and civil rights. The conversations benefited me more than Ted because he was an extraordinarily wise, thoughtful, and well-read man who knew and did so much yet remained modest, even self-effacing.

Ted taught me an enormous amount about the development of the law and the background of many of the cases that we both covered in class. But it took a lot of effort to get him to talk about his important role in promoting the desegregation of public schools during his time on the University of Virginia (UVA) faculty, when schools were being closed or threatened with closing in the wake of *Brown v. Board of Education*<sup>1</sup> and the pace of desegregation could charitably be described as snail-like. It took real courage for Ted to do what he did because Virginia was a hotbed of Massive Resistance at the time.<sup>2</sup> Nonetheless, Ted served as a consultant to the United States Commission on Civil Rights and wrote an important report on desegregation during this period.<sup>3</sup>

Ted's engagement with civil rights was also notable because it came early in his career as a legal educator, when a less principled person might have worried about job security. He began teaching at UVA in 1958, making the transition from student to professor within days of graduating from Mr. Jefferson's law school. Ted continued to live by his commitments by addressing school desegregation issues for

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1. 347 U.S. 483 (1954).
2. See generally JONATHAN L. ENTIN, COURTS, PUBLIC POLICY, AND SOCIAL CHANGE 277–307 (2011) (on file with author) (detailing the campaign of Massive Resistance pursued by Virginia's leadership in response to the desegregation of schools); Jonathan L. Entin, *Defeasible Fees, State Action, and the Legacy of Massive Resistance*, 34 WM. & MARY L. REV. 769, 774, 779–80 (1993) (“During this period, there was no more salient political issue in Virginia than school desegregation.”).
3. Edward A. Mearns, Jr., *Virginia*, in CIVIL RIGHTS U.S.A.: PUBLIC SCHOOLS SOUTHERN STATES 1962, at 155 (1962).

years afterward, notably here in Cleveland as the district court's special expert in the long-running case of *Reed v. Rhodes*.<sup>4</sup>

Both as a member of our faculty and in retirement, Ted focused on constitutionalism and the rule of law around the world. He taught at universities in Bosnia-Herzegovina, Croatia, Hungary, Italy, Russia, and Switzerland and served as Dean of the Faculty of the World Law Institute. The international relationships that he forged in this work facilitated visiting professorships at our law school for several distinguished European scholars. Perhaps fittingly, one of Ted's closest continental friends, Giovanni Bognetti of the University of Milan, also died last summer.

Let me close with a note about some other long-term personal connections that Ted and I shared. After almost a decade on the UVA faculty, he moved to Northwestern University. There he occupied a position previously held by Victor Rosenblum, who had assumed the presidency of Reed College. In that position, Rosenblum frequently dealt with an outspoken undergraduate named Maxwell Mehlman. Eventually, Rosenblum returned to Northwestern and became one of my mentors. Meanwhile, Ted went on to be Dean of the University of Cincinnati College of Law before coming here in 1974. Mehlman subsequently joined our faculty at the same time I did and later moved into Ted's old office adjoining mine. Perhaps this confirms the old adage that the law is a seamless web, but I'd really rather be able to keep talking with Ted Mearns, the consummate intellectual and gentleman. We miss him enormously.

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*Marjorie H. Kitchell*

In the early 1980s, the Case Western Reserve University School of Medicine was different from what it is now. It had a new vice-dean and a genetics center still new enough to be a line item in the state budget. Ted Mearns was, to my knowledge, the first and only vice-

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4. 422 F. Supp. 708 (N.D. Ohio 1976) (finding that the Cleveland public schools were unconstitutionally segregated). The case ran for more than two decades. *See Reed v. Rhodes*, 1 F. Supp. 2d 705 (N.D. Ohio 1998) (concluding that the Cleveland public schools finally had achieved unitary status), *aff'd mem.*, 215 F.3d 1327 (6th Cir. 2000). *See generally* Daniel J. McMullen & Irene Hirata McMullen, *Stubborn Facts of History—The Vestiges of Past Discrimination in School Desegregation Cases*, 44 CASE W. RES. L. REV. 75 (1993) (discussing many remedial aspects of *Reed v. Rhodes*); Diane Ravitch, *School Reform: Past, Present, and Future*, 51 CASE W. RES. L. REV. 187, 187–88 (2000) (summarizing the legal context of the case).

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