

Michigan Lawyers in History

Samuel Zelby

By Carrie Sharlow



The state of Michigan was built by the lumber and auto industries, agriculture, and the lawyers who lived, studied, and practiced here. The articles in this occasional series highlight some of those lawyers and judges and their continuing influence on this great state.

When the State Bar of Michigan published its directory in 1946, it noted the absence of a previously regular section: a list of members serving in the United States military.¹ The self-styled military roster made its first appearance in 1942, when it covered about nine pages. By 1945, when it was estimated that a quarter of State Bar members were in service, the roster covered 28 pages.²

Samuel Zelby was one of those members who served in the armed forces during World War II. You can find his name on page 248 of the May 1943 *Michigan State Bar Journal*, second to the last on the alphabetical list.

Zelby was just 31 when that list was published. He was born on Christmas Day 1911 to Morris Zelivyansky and Anna Lebowitz, two Russian Jews who had emigrated separately around the turn of the century and settled in Cleveland.³ The couple married on March 13, 1911,⁴ and had three children: Samuel, Sally (or Sylvia), and Esther.⁵

Morris worked as a house painter and later had his own home-decorating shop. At some point, the Zelivyanskys moved from Cleveland to Detroit and anglicized the family name to Zelby.

In the 1920s, Samuel Zelby graduated from Detroit Central High School and returned to Cleveland to attend what is now known as Case Western Reserve University.⁶ Specific dates are hard to come by and the name-change confusion creates a bit of a pickle, as did Morris' brother who remained in Cleveland, kept the family's original last name, and named one of *his* sons Samuel.⁷

Soon enough, though, Zelby was back in Detroit, attending Wayne State University Law School. The decision to return to Michigan and enter law school may have had something to do with Elizabeth Trattner, who Samuel Zelby married on October 13, 1938.⁸

The Trattners, like the Zelivyanskys, were Eastern European immigrants, but

that's where the similarities end. While Morris Zelivyansky and Anna Lebowitz arrived in the United States with their parents and/or siblings and met and married in Cleveland, the Trattners were a long-married couple with children when they settled in Detroit. Louis Trattner emigrated before World War I, while his wife, Irene, brought the children to the U.S. after the armistice.⁹ Elizabeth, the baby of the family, had three highly educated older siblings. Most notable among them was Helen Trattner Salamon, one "of the very few women graduates of law school in the 1930s"¹⁰ who would go on to become a legend in Detroit Democratic politics.

Law school suited Samuel Zelby well. He was respected by his classmates and served as president of his senior class.¹¹

"Those who served and those who made the supreme sacrifice did so to preserve our way of life and to make the world a better place in which to live; let us keep faith with them by continuing their work."



B-24 Liberator in flight. Notice the guns at the top and two at the tail of the bomber where Zelby may have been positioned.

He graduated from law school in 1940, passed the September bar exam,¹² and was appointed as clerk to Michigan Supreme Court Justice Walter H. North.¹³ When the 1941 State Bar directory was released, “Zelby, Samuel” was listed at the Supreme Court in Lansing.¹⁴ The same month he began his clerkship, he also filled out his draft registration card.¹⁵

Zelby turned 30 just 18 days after the Japanese attack on Pearl Harbor. By the summer of 1942, he was at the Air Forces Technical School,¹⁶ where he was commended for his excellent test scores.¹⁷ Many other attorneys enlisted as well, and by 1943 the *Bar Journal* military roster included 835 names.¹⁸ It was the first and only time Zelby was on that list.

When the State Bar of Michigan 1944 directory issue rolled out, there contained a much smaller, but extremely important, section titled “Died in Service to Our Country.”¹⁹ Among the names on that list was Samuel Zelby.

A gunner on a B-24 Liberator in the Pacific theatre, Zelby’s plane took a direct hit, causing extensive damage.²⁰ Despite the damage and continued attacks by a dozen hostile aircraft, the crew kept battling and even downed a Japanese fighter. Eventually, the damage became too severe, necessitating a water landing from which there were no survivors.²¹ For his “cour-

age and devotion to duty while in combat with the enemy,” Zelby was “posthumously awarded the Distinguished Flying Cross.”²² A brief memorial was published in the *Michigan State Bar Journal*.²³

And that was it.

Zelby was a member of the State Bar of Michigan for about 1,200 days, although probably less than half of that was in active practice. Five years after his death, his remains were returned home from overseas. He was buried at the Jefferson Barracks National Cemetery in Missouri on December 15, 1949, just 10 days shy of what would have been his 38th birthday.²⁴

A passage in the 1946 State Bar directory provided the ultimate eulogy for Samuel Zelby and the other bar members who died in service to their country:

“Those who served and those who made the supreme sacrifice did so to preserve our way of life and to make the world a better place in which to live; let us keep faith with them by continuing their work.”²⁵

And they did. Some names on those military rosters are instantly recognizable. They would become State Bar presidents, future state supreme court justices, and, most notably, president of the United States.

But you should know about Samuel Zelby. ■

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ENDNOTES

1. *Michigan Lawyers in the Armed Forces*, 25 Mich St B J 398 (1946).
2. *Id.* One such member was “Ford, Gerald R., Jr., Lieutenant, serving in the U.S. Navy.”
3. *Memorials*, 23 Mich St B J 175 (1944).
4. Marriage Records, Cuyahoga County, Ohio, Marriage Records and Indexes, Vol 76–77 (July 1910–April 1911), p 413 [accessed October 7, 2020].
5. US Census, Detroit, Wayne, Michigan, Enumeration District 0224 (1930), FHL Microfilm 2340775, p 12B [accessed October 7, 2020].
6. *Memorials*.
7. Morris’ brother, Gershon, was also a decorator in the Cleveland area. When Gershon filled out his declaration of intention for naturalization in 1910, he changed his first name to Harry.
8. *Memorials*.
9. US Census, Detroit, Wayne, Michigan, Enumeration District 0514 (1930), FHL Microfilm 2340788, p 18A [accessed October 7, 2020].
10. Arboscello, *Helen Salamon: Lawyer Kept Her Nose in Politics*, Detroit Free Press (October 31, 2003), p 5B.
11. *Wayne U. Law School Dance Friday*, Detroit Times (November 20, 1939), p 12.
12. *Successful Bar Applicants*, 19 Mich St B J 507 (1940).
13. *Around the Town with the Free Press Staff: Clerking Position in Michigan’s*, Detroit Free Press (September 23, 1940), p 10.
14. *Roster of Attorneys*, 20 Mich St B J 355 (1941).
15. *U.S. World War II Draft Cards Young Men, 1940–1947* Lehi, Utah, Ancestry.com Operations, 2011 [accessed October 7, 2020].
16. *Memorials*.
17. *Private O’Hara Transferred*, Detroit Times (August 17, 1942), p 23.
18. *Military Roster*, 22 Mich St B J 229, 229–248 (May 1943).
19. *Michigan Lawyers in the Armed Services*, 23 Mich St B J 275, 275–304 (1944).
20. *2 Detroit Fliers Win Valor Awards*, Detroit Times (June 9, 1944), p C-3.
21. *S-Sgt. S. Zelby Awarded the DFC Posthumously: Member of a B-24 Bomber Crew Killed in Crash During Air Battle*, The Jewish News (June 16, 1944), p 24.
22. *2 Detroit Fliers Win Valor Awards*, Detroit Times (June 9, 1944), p C-3.
23. *Memorials*.
24. U.S. National Cemetery Interment Control Forms (1928–1962), Provo, UT, USA: Ancestry.com Operations; Interment Control Forms, A1 2110-B, Records of the Office of the Quartermaster General (1774–1985), Record Group 92; and The National Archives at College Park, College Park, Maryland [accessed October 7, 2020].
25. *Michigan Lawyers in the Armed Forces*.