

1967

Colonial Lawyer Vol. 1, No. 2 (November, 1967)

Editors of Colonial Lawyer

Repository Citation

Editors of Colonial Lawyer, "Colonial Lawyer Vol. 1, No. 2 (November, 1967)" (1967). *Colonial Lawyer*. Paper 2.
<http://scholarship.law.wm.edu/wmcl/2>

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The Colonial Lawyer

MARSHALL-WYTHE SCHOOL OF LAW
COLLEGE OF WILLIAM AND MARY

Volume I No. 2

Williamsburg, Virginia

November, 1967

Law Students Meet Vice President

Cooke Outlines '68 General Assembly

In a talk that received front page coverage in both Newport News and Richmond papers, the man most likely to be the next Speaker of the Virginia House of Delegates told brothers and guests of the Law School's Phi Delta Phi fraternity that he foresees abandonment of the state's pay-as-you-go fiscal policy.

Speaking at the fraternity's monthly dinner meeting on October 26, Delegate John Warren Cooke, the future House Majority Leader, pointed out some of the problems that will face the next session of the General Assembly. The subject of most importance, he said, will probably be the new budget, and the request of 260 million dollars for the next biennium, much of which will be used to expand educational facilities. Pointing out that five community colleges are to be built in the next two years, with 17 more to follow in the 1970's, Cooke asserted that Virginia is "on the move in the realm of education." He called the community college program "a very far reaching step" in this direction.

Other programs will also need more money, Cooke said, including a requirement of approximately 25 million dollars by January 1, 1970, for Medicaid.

On the subject of how the additional needed revenue will be raised, Mr. Cooke noted that while the Governor has said that he will ask for no new taxes this year, the built-in 1% increase this year in the state sales tax will bring in about 50 million dollars more this year than last. He said, however, that he was "quite sure" that a proposal would be made for a departure from Virginia's traditional pay-as-you-go philosophy, and that he was in favor of such a move.

A borrowing program could obtain for the state about 80 million dollars in additional revenue, he stated. Such a program would require the approval of the voters through a state-wide referendum before it could be initiated.

Among other topics singled out by Mr. Cooke as being of special importance in the next session of the Legislature were:

—The need for revision of the state's 1902 constitution, either by convention or by the General Assembly with ratification by the people.

—Sale of liquor for consumption on the premises.

—Liberalized abortion laws.

—Inadequacy of the 60 day legislative session.

On the latter subject Mr. Cooke stated his belief that "Virginia in the not too distant future will have to come to annual sessions." There is also a need, he said, for more office space for the General Assembly. "At present there is no place but a few conference rooms available for the 140 members."

Responding to inquiries made at a question and answer period following the talk, Cooke commented that Virginia has had an outstanding record in the field of race relations. "There are no rioters in this state, no anarchists that we know of," he said. "The people of Virginia believe in law and order, and won't countenance rioting."

When questioned about the possible elimination of tolls in the Tidewater area, Cooke said he believed "that under present methods of financing tolls will be pretty much eliminated by the mid-1970's."

Mr. Cooke said that he did not know of any prospective bill to prohibit law students from taking the bar examination prior to graduation.



Vice President arriving at State Department conference room.

By Charles McDowell Jr.
(Richmond Times-Dispatch)
WASHINGTON

There is no accounting for the wild hopes of youth. Ninety-five students at the Marshall-Wythe School of Law at the College of William and Mary got aboard two special buses in Williamsburg at noon Thursday and came to Washington with the idea of meeting and talking with some of the principal leaders of government.

Anyone here could have told them it was a naive, if admirable, idea. The leaders of government almost surely would be too busy—too preoccupied with the impending peace demonstration, for one thing—to hold seminars for law students. Some of us in the press could have told them what folly it was to think even in the best of times that they could interview Vice President Humphrey, Republican Leader Everett Dirksen, Undersecretary of State Nicholas Katzenbach and Undersecretary of Defense Paul Nitze in one afternoon and the following morning.

Well, they did it and more. Two students, Glenn Sedam of Bay City, Tex., and Andrew Parker of Lakeside, Ohio, both of whom had worked in Washington last summer, had arranged the tour to the last detail, and the leaders of government came through for them. The Phi Delta Phi legal fraternity sponsored the trip, the law school suspended classes for it, and four members of the faculty came along to join in the learning.

2:50 P. M. Thursday—The buses arrived at the State Department. After a brief delay while security officers deep in the labyrinth were reassured by security officers at the door that this was not a "flower power" invasion, the students were led to a conference room. Then, for more than three hours, they heard from Undersecretary Katzenbach, an assistant legal adviser named Murray Belman, and John Kimball, a thoughtful and good-humored man with the unlikely title of Senior Editor, Office of Media Services.

All the discussion was under the ground rule of "background only," which means that we aren't supposed to attribute specific statements to any of the speakers. But it can be said that the "Yellow Peril" was not mentioned once, although most of the talk about the Vietnam war, China, the Soviet Union and all sorts of touchy problems of foreign policy.

Katzenbach and the others defended current American policy strongly, sometimes eloquently and hardly ever dogmatically. The State Department people were preoccupied with the "generation gap"—the reluctance of young people to equate the Viet Cong and North Vietnam with the Nazis, for example. The students asked good questions. They were polite and reasonable and genuinely seeking the State Department's point of view, and most of them also seemed frankly skeptical about the United States policy in Vietnam. The State Department people asked questions too, they really seemed to want to

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'66 GRADUATES BEGIN LAW CAREERS

Twenty-four of the 1967 graduates of the Marshall-Wythe School of Law are giving a creditable accounting of themselves and our law school in a variety of post law school positions.

Ralph Barclay is working on a degree in library science at the University of Pittsburgh and Howard Busbee is progressing toward his degree as master of law and taxation here at Marshall-Wythe.

As expected the military services and the R.O.T.C. programs have called for several of our recent alumni. Bill Cleveland is Assistant to the Provost Marshall at Schofield Barracks, Hawaii. Vince Ewell is a first lieutenant in Ordinance at Aberdeen Proving Ground, Maryland. Mike Lesniak is a Provost Marshall at Fort Gordon, Georgia. Stu Davis is with the Judge Advocate General Corps, as are Winston Haythe and John Parsons. Davis is in Saigon, Haythe is an instructor at JAG School at the University of Virginia, and Parsons is Post Judge Advocate at Toole Army Depot, Utah.

However, the largest number of those alumni whose whereabouts are known are involved with legal work in practices or business. Oddie LaBell has a clerkship for Justice Carroo of the Virginia Supreme Court of Appeals. Curran Clem, Taylor Everett, and Dick Savage are in their home state's state attorney general's offices, Clem in Kentucky, Everett and Savage in Richmond, Virginia. Jerry Franklin is with Wilcox, Cooke, Savage, and Lawrence in Virginia Beach. Steve Harris is in Williamsburg with the firm of Geddy, Baker, and Inman. Gus James, and associates of Kauf-

man, Oberdorfer, and Spainhour, and Wayne O'Bryan, with the firm of White, Ryan, and Reynolds, are in Norfolk, Virginia. Bill Kline is practicing law in Fairfax County, Virginia, while Bud Tessa has joined his father's firm in upstate New York. Forrest Morgan is with Townsend and Lewis in New York City and Burke Margulies is processing his application for tax work in New York. Rick Berman is with Bethlehem Steel in Bethlehem, Pennsylvania. Randy Kraftson is in the offices of the Securities Exchange Commission in Washington, D. C., and Bernard Gill and Rufus Leonard are in Richmond, Virginia. Gill is awaiting his acceptance into the Federal Bureau of Investigation and Leonard is working as a Certified Public Accountant.



"Worst of I ever seen for young guys—say they saw the Vice-President this afternoon & we'd better not lock 'em up cause they got 'to see Nitze, Dirksen & Percy tomorrow . . ."

ALSA & Scholarship Talks Dominate SBA Meeting

The S.B.A. journeyed through its initial meeting of the year with an occasional procedural problem but in an atmosphere amidst emotional and rational discussion.

Although attendance at a meeting most definitely allows room for improvement, it was the feeling of most students that the Little Theater provided a greater atmosphere of professionalism to the meeting.

After the meeting was called to order Dean Curtis addressed the student body on various administrative matters concerning law school facilities. This introduction was followed by the SBA President announcing the chairmen appointed to the standing committees, the designation of Robert Parker as the first-year delegate, and those students designated to form the law school Honor Court.

Although the purpose of the meeting was to generally inform the student body of the SBA format for the coming year, there were certain aspects of the business conducted which are worthy of mentioning. Pertaining to Moot

Court, the student body hoped to provide an additional incentive to the participants by appropriating \$50 for a scholarship. The matter of students joining the National ALSA was also discussed and a committee was formed to study the relative advantages and disadvantages of appropriating SBA funds in this channel.

This year the SBA Executive Committee took the initiative to establish for the first time a scholarship based on need. It was this action by the Executive Committee that prompted the most discussion of the meeting. In the main the criticism did not center around the idea of the scholarship itself, but rather around the procedure for administering the scholarship. Although it is conceded that this is an area that needs definite improvement next year, the general feeling of the student body seems to be that such a scholarship even with its shortcomings is better than no scholarship at all.

With the business matters of the day at an end the meeting was ad-

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Published monthly during the school year for a total of nine issues per year in the interest of the community of the MARSHALL-WYTHE SCHOOL OF LAW at the College of William and Mary.

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EDITORIAL

THE TIME HAS COME

Now that the Marshall-Wythe School of Law has emerged from the bowels of Bryan Dormitory to bask in the shadow of the historic Wren Building, it is time to consider what this transition portends aside from hopefully temporary inconvenience and troops of gaping tourists eager to finish off a role of Kokochrome on our very own bust of Blackstone.

It may now be said without undue exaggeration (or modesty) that the nation's oldest school of law, whose name is linked with the likes of Jefferson and Marshall, is lodged behind a facade befitting this distinction, on a campus with a prestigious name, in a town which hosts thousands of visitors from around the world, and Texas. Certainly no school can boast a nobler pedigree. Why then, if I may be so bold as to inquire, is the following colloquy all too familiar to students at Marshall-Wythe?

QUESTION: Where do you go to school?

ANSWER: I go to law school at William and Mary.

RESPONSE: Oh! I didn't know William and Mary had a law school . . .

A fortiori, the answer, "Marshall-Wythe School of Law" would fare no better. This typical response, coming from maternal aunts and indigent transvestites, is forgivable, but when coming from lawyers, particularly prospective employers, the effect can be deflating.

The ugly fact is that inmates of Marshall-Wythe have suffered too long from obscurity.

It is clear that Marshall-Wythe could stand an increase in renown (not to mention funds). Now that the "subterranean blues" have been replaced by "classroom claustrophobia," the time has come to tackle this blight of oblivion.

The question which no doubt is rising from the foggy recesses of your mind is, "how?" A worthy question.

Notre Dame did it with football. However, assuming Ara could be induced to leave the shadow of the Golden Dome, for the challenge of whipping the ample but somewhat latent talent of Marshall-Wythe into a gridiron power, it is doubtful that William and Mary could support two such teams. Besides, Notre Dame has God on their side—at least they did until He couldn't get season tickets for this fall.

Berkeley did it with demonstrations. Unfortunately, Williamsburg, which once nurtured the seeds of revolutionary zeal, has become a hotbed of apathy. While it is possible to conceive of Marshall-Wythians rallying to the cause of repealing the Anti-Duelling Statute or drafting Marty Zions for president, the prospect is less than rosy. Besides, demonstrations are in disrepute lately.

This leaves academic excellence, and indeed, this should be our ultimate goal—look what it did for Harvard. While it may be too soon to expect to get a Marshall-Wythe alumnus in the White House, or to expect the White House to look to the expertise of the William and Mary faculty to fill cabinet-level posts, it is not too early to lay the groundwork. A stellar alumnus is a valuable asset. While at present the Marshall-Wythe alumni are small in number, neither are they particularly distinguished by their achievements. Our chief claims to fame have long since ceased to make headlines. This state of affairs need not operate in perpetuity. However, great lawyers from great law students grow. Great students do more than annotate "cases" during their three year stint in law school.

There was a time when the student activists at Marshall-Wythe could have rallied in the "new" law school cupola with room to spare. Today, things have changed. No longer would there be room to spare. One need only enumerate the diversity of student activity to realize that the "new breed" of student has infiltrated our ranks. We now have two fraternities, a program of legal aid to local lawyers, a moot court program where no longer are all entrants automatically semi-finalists, a Wythe society which attracts notables like state supreme court justices, a glossy newspaper which believes in editorial license, and a dynamic Student Bar Association. A prime example of the change is the Law Review, which twenty years ago resembled mimeographed class notes. It is now computerized, containing contributions from no less than The Chief Justice, and sits on dusty shelves of libraries around the world. Nor are we without newsworthy happenings—for example, the recent "brainwashing" trip which rivaled LSD for thrills.

However, the sad fact is that Marshall-Wythe is sorely lacking in leadership and initiative. Out of a student body numbering approximately 175, no more than 30 spend more than five hours a week on

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PROFILE: CLASS OF 1970

Students entering this September number 48 degree candidates (those who hold baccalaureate degrees), and 8 in the combined program, for a total of 56 commencing law study here. Including 109 students previously enrolled, 3 in the graduate tax law program, 5 students transferred to this school with advanced standing, and 3 who were re-admitted following a break in residency, the total enrollment for the 1967-1968 session is 176 students. This is an increase of 13 over the enrollment for the 1966-1967 session.

Eleven states and thirty-one undergraduate institutions are represented in this fall's incoming group, inclusive of transfer students. Geographical distribution reflects 35 students from Virginia; 6 from New Jersey; 3 each from Connecticut, Illinois, Maryland, Michigan and Pennsylvania; 2 from New Hampshire; and 1 from each Florida, New York and South Carolina.

As expected, William and Mary leads the undergraduate institutions, with representation of 19 students; followed by 4 from the University of Richmond; 4 from each Old Dominion College, the University of Virginia, and Virginia Polytechnic Institute; 3 each from American University, Randolph-Macon College and the Virginia Military Institute; and one from each of the following: Alms College, Bloomsburg State College of Pennsylvania, Cornell University, Furman University, College of the Holy Cross, University of Illinois, Indiana University, Lafayette College, Lawrence University, Michigan State University, Middlebury College, McGill University, University of Michigan, Oklahoma State University, Roanoke College, Rutgers University, University of South Carolina, Syracuse University, United States Military Academy, Vanderbilt University, Vassar College, Wesleyan University, and Yale University.

In addition, the first year class includes five students who entered last February; three from Virginia and one from each Illinois and Missouri. Their five undergraduate schools are Colgate University, Dartmouth College, Old Dominion College, Southern Illinois University, and the College of William and Mary.

The median Law School Aptitude Test score for the entire first year class is 560, which is the 69th percentile. The mean of academic averages is 1.76 on a 2.0 high system.

Patent, Copyright Seminar Held

Noted authorities in the fields of patent, copyright and trademark law spoke to students and faculty members of the Marshall-Wythe School of Law October 6 at a seminar conducted under the joint sponsorship of the law school and the American Bar Association. John E. Farnakides of the National Aeronautics and Space Administration served as chairman and gave his views on "The Protection of Ideas".

Richard Wahl and Morton D. Wendt of the United States Patent Office addressed the group on "The Patent System" and United States Trademark Practices and Procedure".

Professor James P. Whyte, assistant dean of the Marshall-Wythe School of Law, commented "The educational value derived from the seminar was doubly important as no courses are offered in patent law at the law school".

"A particularly interesting point brought out in the seminar," Prof. Whyte noted, "was the effect that the advent of the Xerox copiers has had on copyright law. A reappraisal of existing law has become necessary due to the resulting confusion".



"May I assume that you intend to make a Federal case out of this?"

From The Dean's Office BY ASS'T. DEAN JAMES P. WHYTE

Not only is Marshall-Wythe America's oldest law school, it is also the pioneer in use of the moot court as a teaching device. It is well-known that George Wythe, America's first law teacher used this technique as an effective means of teaching rules of law and techniques of their application.

Nowadays, of course, moot court instruction at Marshall-Wythe has been revamped and broadened to fit current needs. Students may participate in various facets of this activity throughout their law school careers with varying degrees of intensity. Entering students first encounter moot court through the required course in Legal Method and Writing. Here participation in what is known as an "appellate briefing exercise" is compulsory. The class is divided into two-man partnerships and each partnership is assigned to represent either an appellant or appellee in an appeal before the "Supreme Court of the State of Marshall." The basis for appeal is found in prepared transcripts of a mythical trial before the "Circuit Court of Wythe County, State of Marshall." Points of law involved in these transcripts are ordinarily confined to subjects encountered in first-year classes of Property, Contracts, Agency and Torts. Advisors from the third-year class are appointed to assist the neophyte partners in getting started. Upon submission of briefs which are limited in length and written in accordance with prescribed rules, dates for oral argument are set before a three-man court usually consisting of a law professor and two third-year students. One hour's academic credit of the three established for Legal Method and Writing is earned by this exercise.

Upon completion of the course in Legal Writing and Method, Marshall-Wythe students may elect to continue moot court work, for which academic credit is earned, on a voluntary basis. The nature of this work is essentially the same as encountered in Legal Method and Writing. Subject matter of the problems encountered, however, is more complex and varied, and the work takes place in the framework of an intramural contest. Again students choose partners and, by a drawing, are assigned to represent either an appellant or appellee. A first round is held in the second semester of the first year, a second round in the first semester of the second year and a final round in the second semester of the second year. The winning partnership is crowned a Marshall-Wythe Moot Court Champion, the partners' names are engraved on a permanent plaque, and other suitable prizes are awarded them. It is expected, then, that those Champions will constitute Marshall-Wythe's entry in regional and, hopefully, national moot court contests.

Other practical activity which actually does not involve moot problems but which sometimes is nonetheless called "moot" court, is to be found in the one-hour course titled "Practice Court." The student enrolling in this course, normally in his third year, is required to find a situation either on campus or in town which contains all elements of a civil law suit. Gaining the voluntary cooperation of all parties and witnesses concerned, one student elects to represent plaintiff, a classmate representing defendant. From this point the work proceeds as though the case were being processed in an actual court of record. Cases are filed in the "Circuit Court of Wythe County, State of Marshall." Procedure, at plaintiff's choice, may be either according to the Federal Rules of Civil Procedure or the Virginia rules. Witnesses are interviewed, depositions or interrogatories are taken as necessary, pleadings and motions are filed, a pre-trial conference is held with the judge, a trial brief is prepared and the case is ultimately tried before a professor-judge and a jury usually consisting of first-year law students. Upon occasion, motions for new trials are filed by counsel for the party against whom the verdict has been returned and are argued before the judge.

It is hoped that the establishment and maintenance of Marshall-Wythe's moot program will continue to be of significant benefit to law students. In addition to providing a refreshing way to learn law, it provides a convenient, practical and efficient way of gaining actual experience in the practice of law. And of immediate value to the law student is the fact that prospective employers rate highly moot court experience as a merit, but effective, recommendation.

OPINIONS

BY CHARLES E. KENT

A great fraud has been perpetrated upon the people of Virginia. This Commonwealth has been victimized by the myth of "pay as you go" financing which, because of its failure to provide adequately for our growing needs, might more appropriately be called "pay as you stay." It is not the business of government to make a profit, as is now required by the state constitution, nor is this at all necessary or desirable.

The intensive campaign against deficit financing represents, as one writer put it, "ignorance masquerading as morality." Because of confusion, fear of the word "debt," and a nostalgia for a simpler past, people are blinded to the reality that government debt may be a virtue. The knowing cry, "You would spend our children's and grandchildren's money. It is the future generations which must answer for these debts which you would incur."

Any student of macro-economics understands why government "in the red" is often a vital factor in maintaining a healthy, growing economy. A simple examination of the national economy illustrates this. We must start with the premise that until we all have what we want and require, the economy should continue to grow and produce within sight of capacity. A healthy economy employs more people, and so there are fewer who must live off what others earn. As long as consumers save money, i.e. they do not buy equal to their output, business and government must take up the slack, or the law of supply and demand will soon yield lesser output and more unemployment.

Now it is necessary to examine the nature of the federal debt. Our national wealth lies not in how many dollars we have, but in our assets. The government borrows money which is invested in new material wealth, such as highways and buildings. When private business does this (and it does to a far greater extent than the government) the increments in wealth representing the debt are capitalized. However, one misleading fact is that all government expenditures are deemed "current spending." When a new aircraft carrier is paid for, the money paid is entered as a current expenditure, not a capital investment. On the contrary AT&T becomes more indebted each year; yet, as borrowed money is invested in new facilities, the income generated is more than sufficient to pay interest due, and old bond issues are retired with proceeds from new issues. As long as investors maintain confidence in AT&T, this process can continue endlessly. So, in reality, an increase in the national debt is also an increase in our national wealth; and the worth of our assets far exceeds the amount of the debt.

Even those satisfied with this oversimplification may still retreat at the thought of a debt of tens of billions of dollars. But who are the creditors to whom we owe this vast sum? The answer is: ourselves; 95% of the national debt is internal. Thus, so long as the government retains its sovereign power to lay taxes, it may "rob Peter to pay Paul" and Peter. The increased national wealth in turn stimulates greater productivity and income, with a resultant increase in tax sources, just as new business plant stimulates greater income for AT&T.

We must avoid analogizing the government to an individual when talking about economics. Unlike a household which is simply unable to pay its debts, an indebted government is backed by the nation's

wealth. Furthermore, while most individuals anticipate repaying their debts, the aggregate of individuals becomes more deeply indebted by the year. The sum total of individual debts is never paid off, for as one pays, another borrows. This is also true of the business sector, and it represents a healthy economy. Government, then, is to be viewed not as a mortal individual, but as a perpetual, collective entity, representing the many financial aspects of the nation.

Were we to pay off the national debt, bondholders would simply receive true cash value of their securities, which cash might lie idly in savings. This would be simply an exchange of a very safe security (backed by the government's power to tax) with interest feature, for cold currency. Business and individuals would mourn the loss of these solid investments. The government budget could no longer be employed as a helpful economic "leveler." And how would "paying our debt" benefit our children? They would succeed to our lesser general wealth and our idle cash (rather than solid securities). Really, when our children do "pay" the debt, they pay only themselves.

Admittedly to compare the national economy with that of Virginia would not be totally valid. Should Virginia issue bonds some of the creditors would certainly be outsiders, whereas the United States debt is essentially internal. Thus the people of this state would owe others. But the purpose of indebtedness is to finance new and better state facilities. These improvements, in turn, would attract new industry, and otherwise promote the growth of the state's economy. Thus new sources of revenue would become available for payment of principal and the interest which, after all, is the only additional cost of financing needed capital improvements. In fact, under pay-as-you-go it must be realized that by waiting until funds are available, the interim rise in costs might well exceed the interest which would have been payable to bondholders. In essence, then, an indebted Virginia would not be unlike a conservative business, such as AT&T, which is always "in debt," but which is secure in the knowledge that the resultant benefits will generate more than enough income to pay its obligations.

It is not secret that Virginia's educational system is one of the poorest in the nation. This is so despite the efforts of the cities which have approached their maximum allowable indebtedness while the solvent state sits snugly by. The shameful excuses for highways which connect most parts of the state are notorious for their inadequacy. For example, one is very impressed while driving between Williamsburg and Charlottesville with the ingenious death traps which have been devised. The steep grades and hairpin curves are intriguing for their atmosphere of adventure, for who knows what lies just ahead. Even the four-lane roads are too narrow to allow much confidence in one's chances of passing another vehicle. And if forced off the road one may well be confronted with an obstacle course of trees and ditches.

The restraining influences of Virginia's pay-as-you-go policy are evident. To operate a state as one would his own household is to ignore fundamental economic truths. This writer looks forward to a day in the near future when our constitution will be amended or rewritten so as to bring this Commonwealth into the twentieth century financially.

HUMPERS REMAIN UNDEFEATED IN LAW LEAGUE

Only one of the four law school football teams playing in the Independent League remains unbeaten at the end of the first three weeks of play. "Howard's Humpers" boasts a 4 and 0 record, having beaten one of the law school teams and three other independents.

The "Barristers" headed by the versatile Sal Jesuele have a 1 and 1 record which included their upset loss to the "Humpers." The "Chancellors" comprised of first year students also has a 1 and 1 record while the Kings bench made made up primarily of third year men has only posted a loss to the "Chancellors" so far.

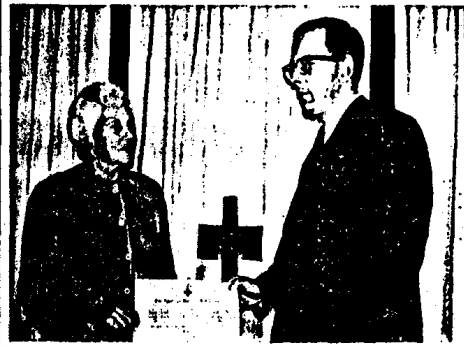
In the "Chancellors" opener, October 8, Bob Bradenham and company had an easy time demolishing the "Kings Bench" 40 to 0. Bradenham's receivers had no difficulty in eluding the "Bench's" defensive backfield and making themselves the targets for Bob's passes.

The "Humpers" in their opener defeated the Falcons 18 to 0. Scores came on passes from Gus Smith, one to Roger Amole and two to the elusive center Stumpy Evans. Veteran receivers Crash Harding tied up the defense in the role of decoy frequently leaving Evans and Amole open. Critical blocks by captain Howard and Prince Butler permitted Gus Smith to stretch his running legs for several long gains to the delight of the crowd.

In the "Barristers' first outing, the Jesuele led team romped to a 34 to 0 victory over the "Chancellors". Scores came on passes from Jesuele to Jim Stewart won two, and one each to Woody Woodruff, Andy Parker, and Mike Lavin. Jesuele sparked the defense as well, intercepting four Bradenham aerials.

The "Humpers" parlayed on a combination of a strong defense and a weak opposition to roll over the "Mongrels" by the score of 36 to 0. With Dennis Howard scoring first on the ground and then Gus Smith firing four T.D.s, this game quickly became a rout. Crash Harding grabbed three of the TD strikes and Roger Amole the fourth while Jim Evans hit for three extra points to account for the "Humpers" scoring. The fine defense was led by the rushing of Howard and Harding along with Prince Butler and the backfield play of Bob Simpson, Dennis Howard, Ed Knight, and John Reed.

With the World Series over the eyes of the sporting world turned to the clash of the two unbeaten Law School Teams, the "Barristers" and the "Humpers". The "Barristers" as pre-season pick to cop the Independent League title entered the contest as favorites to dump the "Humpers". But the "Humpers" has other plans. The first half produced a fierce defensive battle with the only score coming on a Gus Smith to Roger Amole pass to give the "Humpers" a 6 to 0 lead at half time. The "Barristers" finally got into action with a perfectly executed pass from Sal Jesuele to Jon Bruce with a lateral to Jim Stewart who streaked forty yards for T.D., an offside penalty, however, voided the score and on the next play larding picked off a Jesuele pass and ran it back all the way for a score. Later Smith connected to Amole for another score which put the game out of reach. The "Barristers" then showed that they were in the game. But in the last few seconds of the game marching down the field, but time ran out on the valiant effort.



Dick Repp receives Red Cross Award from Mrs. Philip Chens

Law School Gives 1/3 Of Blood Received By Red Cross

The call was for "able-bodied men to bare arms," and fifty-four men, both students and faculty, responded. As a result, the Second Annual Law School Blood Drive achieved a modicum of success, although falling short of the fifty percent mark that had been hoped for.

The Drive, which has now formally attained the status of *stare decisis*, was initiated in 1966 to boost lagging local support of the Williamsburg Red Cross Bloodmobile. At that time thirty-five pints were given, bringing the local Red Cross unit up to its quota. This year's Law School contribution of fifty-one pints pushed the total amount received to 163. The Bloodmobile quota had been set at 136. Word of official "thanks" and recognition of achievement was received from the local unit.

The campaign to recruit donors

at the Law School was aided by several colorful posters, one of which depicted an unnamed but reputed recognizable personage of pedagogic renown having extracted from his circulatory system a pint of pure leewater. Another offered a free drunk driving defense to any donor arrested on such a charge within twenty-four hours after giving blood.

Brothers of the Phi Delta Phi fraternity donated thirty-five of the fifty-one pints given. Among other students contributing, the first year class accounted for the largest amount.

William Crewe, Office of Chief Counsel, Internal Revenue Service, will interview students for employment Friday, November 17, all day. Interested students see Mr. Donaldson.

FRATERNITY NEWS

Phi Alpha Delta

The brothers of Phi Alpha Delta have spent the first part of the semester establishing and strengthening the programs of the chapter. Because of the overall reduction in manpower from last year (18 out of 48 brothers graduating) the chapter has been working much more closely in these programs.

The first of these programs is the bookstore that has been run earlier in the semester. An extremely large volume of business was transacted both on the used book market and in the sale of cans of outlines as study aids. The past term of the bookstore reached the all-time high for business done on used books.

David Stewart can still be reached in the SBA office from 11:50 to 12:15 for the payment of accounts owed to the bookstore or to receive checks for the books the sore sold for you. Stewart hopes to be able to open the store early in December solely for the collection of second semester books. This is a new idea and it is hoped that the procedure will enable the store to have more books in each course available for sale during second semester.

Many of the brothers have been active in the revision of the cram course notes designed to follow the lectures of the Smithers-Paine course in Richmond. The material is currently being run off under the direction of Ed Tomes. The notes will be on sale about November 1 so that students taking the bar can study them prior to the course. The cost is \$10 a set for non-PAD students.

On October 12, the fraternity held a highly successful cocktail party at the Williamsburg Community Center. The event also served as sole rush function permitted the fraternity during the first semester. In accordance with the rush rules, bids were sent out on October 31. The brothers can thank Bill Welton for the fine job done at the party.

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Phi Delta Phi

Jefferson Inn of Phi Delta Phi began what appears to be a very busy year with a regular monthly meeting on October 2, 1967. The order of business consisted primarily of reports from the officers and special committees. The Eschequer, Butler Barrett, reported that the Inn's finances are in better shape than at any time since it has been in existence. It was pointed out that the space devoted to Jefferson Inn in THE BRIEF, the national magazine of Phi Delta Phi, exceeded that of any other Inn. Our hats are off to Gary Lechner, the Jefferson Inn Historian, who is responsible for this extensive coverage.

Andy Parker and Glenn Sedam, co-chairmen of the Special Events Committee, reported on the Washington trip. We are pleased to report that these two members of Jefferson Inn made a very valuable contribution to the Law School and the Fraternity through their untiring efforts in organizing the trip. But there remains this question: "How do we equal or top this trip next year?"

The Fraternity voted to contribute prize money for the Moot Court competition. John Sours, Doug Walker, and Ron White were appointed as special committee to prepare a report on how the money is to be awarded.

Primarily through the efforts of Dick Repp Jefferson Inn, the Red Cross Bloodmobile exceeded its quota for the first time in many trips to Williamsburg. Dick chaired the committee to encourage all members of Jefferson Inn to contribute. Although this target was not achieved, thirty-eight members did contribute.

The monthly dinner program of Jefferson Inn for the new year was initiated with Mr. John Warren Cooke as the guest speaker. Mr. "Speaker" Cooke gave a very interesting talk on what we can expect from the next session of the General Assembly. Approximately forty persons were in attendance.

LAW STUDENTS MEET

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know how the students felt about Vietnam and the rest of the world. Perhaps a reporter will be forgiven for saying it was one of the most reasonable and rearing discussions that he has heard in Washington, or anywhere, in the past two and a half years.

6:25 P. M.—After a long day and instant-delays at his office, Vice President Humphrey arrived an hour late but full of words, warmth, good humor and quite im- plausible vitality. Most of the students obviously liked Humphrey within five minutes; it took the deeper-eyed Republicans 10 minutes.

Humphrey told jokes about the vice presidency and himself. He criticized Congress for "fiscal irresponsibility," a new wave of protectionism in trade, failure to expand President Johnson's domestic program, and "shrinking from international responsibility." Then he defended Congress as a body that "reflects how people feel."

More on Congress: "The integrity and character of men in government is as great or greater than in any comparable profession. . . . But people look and they say, 'But that fellow's a fool.' Well, fools are entitled to representation, too, you know."

On the success of American aid to Western Europe: "The patient not only has thrown away his crutch but has hit the doctor over the head with it."

On the administration's low rating in the polls: "If we had followed the public opinion polls, we would have lost Berlin, Korea, Iran, Turkey and Greece. . . . If there had been a poll at the time of Valley Forge, George Washington would have been driven out of the country."

On peace demonstrations: "Blessed are the peace-makers—but it says peacemakers, and it doesn't say anything about marchers, walkers and protesters. You want to do something for peace? All right. We have a job for you in the Peace Corps, Vista, community work, the poverty program. . . ."

On intellectual critics of the administration: "The intellectuals say the President doesn't have any intellectuals around him. Well, Jean Rusk was an intellectual until he got to be Secretary of State. Nine of the 13 members of the Cabinet are Ph.Ds, and 10 are Phi Beta Kappas. The intellectuals say something happens to those men when they come down to Washington. You know what happened to 'em? They had to make some decisions."

On what makes news: "How many people know there are young people like you sitting here, willing to listen to all this? It's not news. But you want to get in the paper? Just go out and get in some trouble."

7:47 P. M.—Almost an hour and a half after he dropped in for a few minutes, Humphrey stopped talking and departed. The standing ovation lasted after he was out of sight. The trusty buses carried the students in the Sheraton-Park Hotel, where they had given themselves a reception. The basic conversational play was for the less conservative students to say to the more conservative ones, "Well, what did you think of him?" By now, the conservatives had recovered sufficiently to say something about not agreeing with everything he said, but he was "remarkable," "dedicated," "inspiring," and "fantastic." Mr. Humphrey would not have believed that those buses had come up from Virginia.

7:45 A. M. Friday.—The buses arrived at the Pentagon. There was a chance for a cup of coffee before the students heard a 20-minute talk by Undersecretary of Defense Nitze, a long military briefing on the Vietnam war and a talk on op-

portunities for attorneys in the defense establishment.

11 A. M.—They arrived in a conference room at the Supreme Court for a delightful lecture by the Clerk, John F. Davis, on the procedure and folklore of the court; then came a tour of the courtroom with historical commentary.

1:15 P. M.—In a private dining room in the Senate, the students gave a standing ovation to a gentleman who just seemed to wander in—Everett McKinley Dirksen. (It had been arranged by Mark Trice, secretary to the minority and father-in-law of one of the students, Walter Smith, president of the William and Mary Student Bar.)

While messengers tugged at his arm and whispered that he was needed in the Senate, Dirksen talked on and on—"Brevity is not in our lexicon." He was in one of his very conservative moods—they vary—and this pleased the conservative students whose consciences hurt for having liked Humphrey so much. The Dirksen wit, if anything that broad can be called wit, pleased everybody, of course.

Next came visits and graceful speeches by Sens. Harry F. Byrd Jr. and Charles Percy, the Illinois Republican.

3 P. M.—The students departed for Williamsburg with the impression, one observer would guess, that the government is an easily accessible and altogether charming institution.

DIRKSEN, PERCY SPEAK AT LUNCHEON

The scene was Washington, D. C., the political center of our great nation, the governmental province where the decisions proclaimed affect the lives of all individuals. A part of this massive and sometimes incomprehensible scene is the reception room of the Capitol where the students of Marshall-Wythe School of Law were having a luncheon which would terminate their memorable trip to Washington, D. C. But though this luncheon in this certain perspective may seem insignificant to some, to those students who were there it was an experience long to be remembered.

There was Senator E. Dirksen, who, though he has had himself many a "fine hour", gave to the students one of their "finest hours". He made us feel a part of that great governmental body which we so frequently hear about but with which we so infrequently associate. As he spoke of his days as a young attorney the listener began to understand the Senator as a man and began to realize that the qualities of the greatest of men are not yet beyond our grasp. As he spoke of his efforts to have a Constitutional Convention we began to understand the Senator as a politician and legislator in a position which effectuates major changes in our history and channels the course of our country. It was indeed impressive to feel that we were deserving of the tribute his presence paid to us.

Then there was Senator C. Percy. Throughout his talk, which covered issues on the Far East and our domestic welfare policies, one should understand and gain admiration for this man who so genuinely expressed a concern for the welfare of his country. He was concerned that American troops were dying in a war that was unpopular while there were still unsettled hostilities in our own streets at home. He was concerned that our government was appropriating funds to other countries without proper guidelines while there was poverty still remaining in the homes of many American families. But if we did not understand the complexities of his policies we understood him when he showed us that there is a place and a need for young men in our gov-

ernment, young men who are also concerned.



Katzenbach invites questions from students



Humphrey ponders students questions.



Sam Beale and Gus Smith dine with minority leader.



Senator Charles Percy drops in on law luncheon.

Playboy Exchange Suggested By L.R.

Among the over one hundred requests for back issues of the William and Mary Law Review over the last several months was one that received the special attention of Managing Editor Mark Dray. Written on stationery bearing his personal trademark—pryly hunched lines—the request from Playboy's HUGH HEFFNER was for a copy containing a Note by former student Brad Coupe on the implications of the so-called obscenity case, *Roth and Mishkin*.

Negotiations to arrange an agreement to exchange publications on a regular basis, however, were reportedly unsuccessful.

PHI ALPHA DELTA

(Continued from Page 3) In the future, PAD plans to hold its first speaker luncheon early in November, with a speaker to be announced shortly. The luncheon will be open to the student body.

In conjunction with numerous other organizations, the brothers are planning for the homecoming cocktail party and dance to be held at the Heritage.

The brothers have not forgotten the promise made to the first year students about the trip to the state prison and to the federal reformatory. Plans should become definite within the next few weeks for this trip.

Joe Buxton, chairman of the Professional Committee, has arranged for the Small Business Administration to come to the law school and conduct a day long seminar on the establishing of a small business—a real day-to-day type of problem for a practicing attorney. This date also will be announced shortly.

Congratulations to the Student Bar Association and Phi Delta Phi for the fine trip they conducted to Washington. PAD will not hold it against either of these organizations that they left one of our brothers stranded in Washington.

ALSA & SCHOLARSHIP

(Continued from Page 1) Journal. In the minds of some students there was no doubt a feeling of concern. In the minds of other students there was no doubt a feeling of confidence. This was as it should be. But in the minds of all students, as exemplified by their attitude and participation in the meeting, was a desire to lend what ever support necessary to make the year a successful one.

The Barristers' Brides will again hold a Square Dance at the Townsman's Club, this year on November 3rd from eight until eleven o'clock. Those of you who were there last year will remember the fun filled evening, complete with raffle. Refreshments will be included in the price of admission—\$2.00 per couple or \$1.00 star. The proceeds will go towards increasing the Barristers' Brides Fund, a fund for married students administered by Dean Curtis. So put on your dancing duds and y'all come!

EDITORIAL

(Continued from Page 3)

law-related extra-curricular activities. While few if any would say that such activities should come before intramural sports, it is possible to do both without suffering from nervous exhaustion. While the need to earn a living might be a valid excuse for limiting law school activities to studying, it should be noted that many, if not most of these active student affairs also have part-time jobs, in addition to more than adequate grades.

Those who think good grades are a prerequisite to participation in student affairs have their priorities crossed. It would seem that, at a point, the worse the grades the more reason to distinguish oneself in other areas. At the least, valuable experience such as heading the Ad Hoc Committee to Unleash Colonial Williamsburg would provide a better excuse for poor grades than not trying.

What is clear is that all the student activities need increased student participation. Also, it need hardly be said that participation benefits the student at least as much as it does the school. Few things affect career prospects more than your law school record, and few law applications forget to ask about your law school activities. It just seems that a law school could at least expect its students to be ambitious and greedy, if not public-spirited. Five hours a week is not too much to ask, but if you don't have this, the least you could do is contribute \$2.00 to this newspaper.