

1968

## Colonial Lawyer Vol. 1, No. 4 (March, 1968)

Editors of Colonial Lawyer

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### Repository Citation

Editors of Colonial Lawyer, "Colonial Lawyer Vol. 1, No. 4 (March, 1968)" (1968). *Colonial Lawyer*. Paper 4.  
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# The Colonial Lawyer

MARSHALL-WYTHE SCHOOL OF LAW  
COLLEGE OF WILLIAM AND MARY

Volume I No. 4

Williamsburg, Virginia

March, 1968

## Marshall-Wythe Medal To Trayner

### BARTLETT ELECTED CIRCUIT V-P

Over the week-end of March 22-24 five circuits of the Law Student Division of the American Bar Association held their annual convention in Washington, D. C. It was a particularly successful weekend for the Marshall-Wythe School of Law because Gil Bartlett was elected the new Vice President of the Fourth Circuit.

Along with William and Mary, other members of the Fourth Circuit include Duke, North Carolina, South Carolina, Virginia, West Virginia, Richmond, North Carolina College, Wake Forest, and Washington and Lee. It was the delegates from these schools that elected Gil as their new Vice President.

Other aspects of the convention included a legal education conference, a discussion on S.B.A. activities, a seminar on "The Crisis in Black and White America" and many other worthwhile programs. By far the most exciting aspect of the convention was the election of the various circuit vice presidents.

Due to a lack of time prior to the convention only a slight campaign program could be initiated. With the assistance of several other students, a resume of Gil's qualifications along with letters of recommendation were sent to all schools within the Fourth Circuit. Although several proxy votes were received from those schools who were unable to attend the convention, procedural rulings made these proxies invalid. This turn of events thus made it necessary to do most of the campaigning during the convention itself. Despite this handicap position the end result exemplified that Gil was the most worthy of the candidates and that the efforts of the other individuals present were an immeasurable contribution.

### 4th CIRCUIT KEY AWARD TO SBA

The "Silver Key" representative of the outstanding Student Bar Association President of the fourth circuit was awarded this past weekend to Gus Smith. Smith said that the honor was twofold. "The award is more indicative of an effective Student Bar Association. Without the support and imagination of the executive committee and committee heads and the general cooperation of students a fulfilling administration would have been impossible."

Each school in the circuit has the opportunity of nominating their president for the award. Marshall-Wythe's nomination took the form of an annual report of activities and purposes. It was submitted to Charles Houston this circuit's vice-president by Jack Coffey. Houston chose the outstanding nominee and then submitted the nomination with his endorsement to the national executive council. The award was announced during the Law School Divisions circuit convention this past weekend.

### Law Students Eligible for R.O.T.C.

The recent decision by General Hershey stopping draft deferments for graduate students has had an immediate effect on the law school. In an informal survey of the first year class, it was apparent that unless many of the first year students join a reserve unit, the class will be considerably smaller next year.

As a consequence, many of the students have looked toward the Reserve Officer Training Corps as an effective way of remaining in school and gaining a commission in the Army.

In an interview with Lt. Col. Shimmel of the Military Science Department, he confirmed the fact that there is a two year R. O. T. C. program leading to a commission as a second lieutenant. The program consists of a qualifying summer camp at Ft. Benning, Georgia, followed by two years in the R. O. T. C. program during the (Continued on Page 4)



Chief Justice Roger J. Traynor of the California Supreme Court, who will receive the second annual Marshall-Wythe Medalion April 27.

The Marshall-Wythe School of Law will honor the Chief Justice of California next month with the second presentation of its Marshall-Wythe School of Law Medalion.

The bronze medal, voted by the Law School faculty to a leader of the bench or bar in the United States, will go to Roger J. Traynor, Chief Justice of the California Supreme Court since 1964.

The medalion, showing the profiles of the third Chief Justice of the United States, John Marshall, and of George Wythe, America's first professor of law, on the obverse and the coat of arms granted to William and Mary by the Royal College of Heralds on the reverse is encased in clear plastic and mounted on a walnut base.

The first of the medals went last year to Norris Darrell of New York, president of the American Law Institute.

Justice Traynor, a graduate and later faculty member of the University of California, received the gold medal for distinguished service from the American Bar Association last year. Two years ago he was given the award of merit of the American Trial Lawyers Association.

He has served as an expert in tax law matters to both state and national agencies, as lecturer at the Salzburg seminar on American studies, and as member of the faculty of the appellate judges' seminar at New York University.

In 1963 Traynor was a member of the Anglo-American conference on criminal law in London. He is a member of the Board of Visitors of the University of Chicago School of Law and serves on the Council of the American Law Institute.

A member of Phi Beta Kappa and the Order of the Coif, Traynor is the author of a large number of professional articles in law review.

In 1967, Traynor was voted an honorary life membership in the Virginia State Bar Association.

Regarded as one of the leading justice state jurists in America, Traynor will receive the award at William and Mary on April 27 as part of the program for the Law School's annual ceremonies in recognition of Law Day.

### 2nd Annual Barrister Ball April 27

Tickets are now on sale for the Barristers Ball. This, the prime social event of the school year, is now an annual affair. The ball will be held on the 27th of April at the Virginia Room of the Williamsburg Lodge from nine until one. The SBA has engaged the services of Ted Alexander of the Congressional Country Club.

The tickets which cost ten dollars are now being sold to all alumni, faculty and students. The cost includes all refreshments.

The ticket situation could become serious if the expected alumni response materializes. The Virginia Room has a capacity of 400. Thus we cannot sell more than two hundred tickets. Consequently students should purchase their tickets as soon as possible to assure their reservation.

### LAW STUDENTS AID VISTA IN NORFOLK

Late in November, Peter Brocioletti, a 1967 graduate of Marshall-Wythe now serving as a VISTA volunteer, contacted second year student Jerry Robertson. He asked Jerry to make known to the school that legal assistants were badly needed in Norfolk by the Tidewater Legal Aid Society, an organization which would provide free legal services to indigents in the Norfolk-Portsmouth area. Jerry cooperated by leading an investigating party to Norfolk to explore the possibility further and to consult with Brocioletti. The result of that trip was a decision on the part of four second year students to begin a new program of legal aid within the law school in conjunction with the Tidewater Legal Aid Society.

By the start of second semester a regular schedule had been established for students making weekly

### LAW DAY SESSIONS SET FOR APRIL 27

Plans for the biggest and most significant annual meeting in the recent history of the William and Mary Law School Association are being made for the week-end of April 27 according to President Robert E. Quinn.

The business meeting at 10:00 A.M. in the "new" law school building, will be preceded by a coffee-doughnut get-together sponsored by the Board of Directors and the President.

The agenda will include (1) election of officers, (2) voting on a proposed change in the constitution as regards length of terms of office (from one year to two years), (3) voting on a proposed change in the by-laws, viz. raising the annual dues to \$20.00, (4) reports on the Fund Drive, and (5) any other business that will properly come before the membership.

The meeting will be followed by a luncheon at 1:00 P.M. in the Virginia Room of the Conference Center at which Chief Justice of the California Supreme Court, Roger J. Traynor, will be the featured speaker and recipient of the Marshall-Wythe School of Law Medal.

Alumni will be individually notified of this meeting and asked to make reservations for the luncheon. Priority of seating will be based on chronological reservation.

Trips to Norfolk to participate. At present, sixteen students from the first and second year classes, normally two a day, participate in rendering various "legal" services as assistants to Mr. Brocioletti. These are backed up by twenty-five more are signed up to participate whenever possible.

The job consists of manning TLAS offices and interviewing applicants for legal aid. Students (Continued on Page 6)

### LAW FIRMS RAISE SALARIES

According to the New York Times, major law firms across the country have said that they would "remain competitive" with the large Wall Street firms that have raised starting salaries for graduating lawyers to \$15,000 a year, an increase of \$4,000 over last year.

The Times said that firms surveyed in Washington, Chicago, Milwaukee and Los Angeles—the major competitors with New York for the yearly crop of the nation's top law graduates—indicated that they would not go to the \$15,000 figure but they would make substantial increases.

Although most of the larger firms throughout the country have not decided on exact policies, the growing consensus among lawyers (Continued on Page 6)



Vernon Spratley, Fred Grill, Roger Amole and Scott Swan, law students, participate in the Legal Aid project in Norfolk associated with Volunteers in Service to America.



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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 first year class at the Law School has been dealt a blow that many of them feel is grossly unfair. Because of a recent selective service ruling roughly one-half of the class faces induction into the Army at the end of the present semester.

Initially the reaction was one of disbelief and cries of "why me" were not uncommon. The general consensus of opinion among the men affected was that drafting them and others similarly situated served no useful purpose. If the nation was to maintain its educational standards and attempt to maintain the efficiency of its judicial processes, in these very turbulent times, the men in this nation's graduate schools would be sorely needed. The draft would in effect be creating an intellectual dust bowl that the country would spend years recovering from. Rarely was there a kind word to be heard concerning the Johnson Administration.

This country has since the end of W. W. II, faced a continuing threat from international communism that has manifested itself in many parts of the world. We have, with a modicum of success, met these threats and have managed to maintain a position that is reasonably acceptable to us as a nation.

In doing so, however, our government has failed to prepare the people for three facts of life that must be ultimately faced. First, the prime concern of our government is, as it must be, the success and perpetuation of our way of life. We want peace, but what do we mean by peace? Would we accept a peace that required surrender of some of our freedoms? Would we accept a peace that required territorial concessions to a foreign power? I think the majority of us would admit that there is some point beyond which we will not negotiate. And that point is where the sovereignty of this nation is so threatened that peace no longer becomes an acceptable course.

Second, the people of the United States have been inadequately prepared to meet the realities of "International Politics." One might liken the nations of the world to a group of three year olds in a controversy over a bag of candy. All with marginally developed consciences, unaware of nature of the damage to be caused by their blows and firmly convinced that it should all be theirs.

History has shown us that man is a most pugnacious animal, who has shown himself totally unable to live in peace with his fellowmen. He has and will stoop to anything, and it is not only inappropriate but suicide to fall to react. We must never hide our faces in shame when we have been forced to respond in kind to an adversary who knows no rules.

Third, we must steel ourselves to the inevitability of a continuing conflict through the end of this century and perhaps beyond. Any serious student of communism will verify this fact. We must be prepared to defend our way of life wherever it is threatened or face the loss of it. If the communists really wanted peace why would they start national wars of liberation? Perhaps because they want peace on their terms!

Perhaps there is some grand strategy that can be concocted to end them. But for now the lawfully elected government of this nation has committed us to this war. As Americans we have a duty and an obligation to serve. We cannot take all of sweetness of American life and then turn our heads from the bitterness.

This country's intellectual community has successfully withstood the draft calls of two World Wars and a "Police Action" without the creation of an "intellectual dustbowl." (It might be added parenthetically that in light of our current crop of hippie malcontents one could argue with equal facility that perhaps a dustbowl has indeed been created). It seems most likely that the graduate schools will again rise to the challenge and carry on with the intellectual talent available. It is hoped that if called the students of this Law School will give an admirable accounting of themselves; for there is something inherently disgusting in the idea that someone is too bright to be asked to defend his Nation.

## CALENDAR

- Friday, March 29—SBA Meeting—10:00 a.m.
- Wednesday, April 10—PDP Initiation and Dinner—Justice Albertus Harrison. Evening
- Friday, April 12—F. B. I. talk to Seniors—10:00 a.m.
- Friday, April 19—SBA Meeting—10:00 a.m.
- Friday, April 26—FBA Panel
- Saturday, April 27—LAW DAY
- Barrister's Ball—Virginia Room 9:00-1:00 a.m.
- Formal

E. T. H.

## WYTHE SOCIETY HEARS WOODBRIDGE

Huddled around the fireplace of the spacious and comfortable Williamsburg Community Center, the small but vocal hard-core faithful of the Wythe Society held what may be a most fateful convalesce last Thursday night. Prime topic for discussion by the garrulous group was the future course of the still nascent Society, chartered last year by the Student Bar Association as an outlet for voracious and opinionated "reasonable men" of the School of Law. Led by their colorful president, Wayne Spencer, the membership appraised the previous years achievements with a view to even greater heights for the coming year. Bolstered by beer and the prospect of additional funds from the reincarnated Law School coffee bar, the group optimistically hammered out the program for the ensuing months:

Meetings will be held twice a month on the second and fourth Thursday at the Williamsburg Community Center, located behind the shopping center on Richmond Road. Doors open at 7:30 P.M.

Student speakers will still dominate the podium, but guest speakers drawn from the College faculty and the community will be featured each month in an effort to achieve an enjoyable, interdisciplinary, educational experience.

Members and law students are encouraged to bring their wives or friends.

Beer and refreshments will be provided at the nominal charge of 50¢ per capita and not per stirpes.

Special membership requirements for the remainder of the semester were approved. Law students who attend two meetings this semester will be entitled to full membership privileges, including free refreshments and voting rights in the May election of officers. A shingle scrawled in cryptic Latin and suitable for hanging on office walls will be made available to all members. Beginning next fall membership will be conditioned upon giving a talk at a meeting.

To effectuate these programs and policies, the following committees were formed: Program Committee—Asst. Prof. John Donaldson, faculty advisor; Kent Millham, Vice President; Glenn Sedan, and Earle Hale; Membership Committee—"Woody" Woodruff and John Morris; Publicity Committee—Wayne Spencer, President, and Don Morton.

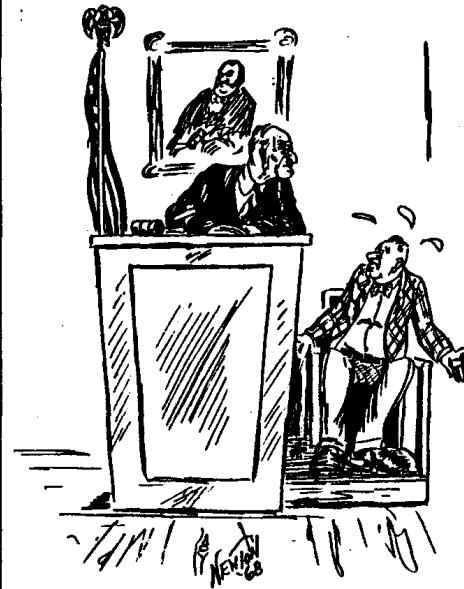
The meeting ended with a provocative talk by the loquacious Earle "the Hawk" Hale on the racial dilemma in the U.S. A solution to the problem has remained obscure in spite of numerous proposals.

Featured speaker at the next meeting, Thursday, March 28, will be Dean Emeritus Dudley W. Woodbridge, who will relate anecdotes from his illustrious forty-year teaching career. For those first and second-year students who did not have the privilege and pleasure of learning the law under Dean Woodbridge, this is a rare opportunity to see what you have missed.

All are urged to attend.

## PROFESSOR STASON ELECTED CHAIRMAN

Professor Stason has been elected Chairman of the Equity Round Table Council of the Association of American Law Schools. In that capacity, he will organize a panel to present a program for the Round Table at the 1968 meeting of the Association of American Law Schools, to be held in New Orleans this December.



## Law Alumni Open Drive for Funds

At its midwinter meeting of November 17, the Board of Directors of the Law School Alumni Association approved the establishment of an Endowment Fund Drive in honor of Dean Emeritus Dudley Warner Woodbridge as authorized by the membership annual meetings of 1966 and 1967. It appointed a steering committee consisting of Lawrence C. Lieberman, John L. Apostolou, R. Harvey Chappell, Jr., and C. H. Anderson, chairman, to act as a continuing advisory group to Emric Fisher, Executive Director of the fund drive.

The executive director notified all alumni of the forthcoming drive and selected area chairmen to actively participate in the solicitation of funds. Pledge cards have been mailed to the area chairmen who, in most instances, will contact personally the proposed pledges to obtain present contributions and pledges for future installment payments. The pledge cards have a tax deduction schedule printed on the back to advise pledges of the net "cost" of their contribution.

Alumni who live in geographic areas where there is a lack of concentration of sufficient alumni to appoint area chairmen are mailed their pledge cards individually and are requested to return the signed pledge cards and present contributions directly to the executive director.

Since the merits of this project are so evident, and the honoring of Dean Woodbridge by such a perpetual memorial (to be used for a chair of law and scholarships) so obviously benefiting, the Board and officers of the Association feel confident that the initial goal of \$120,000.00 shall be met with little difficulty, especially since this is the first time in the history of the law school that the alumni have been asked to give financial aid to the institution where they obtained the tools with which they are now able to earn a more than average income. The tuition they paid for this tool is hardly commensurate with the results they are now reaping.

The persons concerned with the drive are earnestly urging the alumni to contribute to this fund with an open heart. The success of this project will be credit to those who hold a law degree from Marshall-Wythe School of Law.

## Student Lobby Wins Funds for Building

The completion of the Law School building has been in serious jeopardy during the past two weeks. The State Senate was about to accept the Governor's budget from the House of Delegates when a rumor circulated among some law students that the appropriation for the completion of the building had been switched from the regular appropriation to the newly initiated bond referendum.

Students checked with the Clerk of the House of Delegates and representative Ken Whitehurst in Richmond, and were told that the rumor was true.

"We felt that urgent action was necessary," thus students who were around the Law School that afternoon formed a committee and headed to Richmond. These students first discovered that they would be unable to effect a change on the House of Delegates since the bill was about to come out of Committee. The students next approached the Senate Finance Committee, but most members were not available that evening. The next day half of the student committee attended an early morning conference with President Paschal and the other half interviewed members of the Senate Finance Committee, as to what course they might take. The students (at that point) felt that they had fallen upon a plan that would allow the school to get the funds needed without the state exceeding its budget. However this plan had been conceived without considering what the reaction of the House of Delegates might be. In conferences with Governor Godwin and Senator Gray, this past Monday, the students were made aware of the political risk inherent in their plan.

The student committee expressed its view that the Law School would get the necessary funds. They noted that President Paschal and Governor Godwin have promised that they would do their utmost to assure procurement of the funds necessary for completion of the Law School by September.

The students most involved cited President Paschal's cooperation in all phases of this endeavor and his desire to aid in the further development of the Law School.

### Spong Addresses PDP Dinner Meeting On National Problems

Senator William B. Spong Jr., D-Va., told law students at a law school dinner that removal of the gold cover behind federal reserve notes and deposits will demonstrate that the United States is prepared to defend the dollar.

The main way to protect the dollar, however, is "decisive action to bring our balance of payments into equilibrium," he said.

"The first step in meeting this problem is a limitation on the inflationary pressures in our economy," Spong said at a dinner meeting of Phi Delta Phi Fraternity.

Spong, a member of the Senate committee on banking and currency, called for a "reduction in government expenditures and a limit on deficit spending by the federal government."

The "most immediate and effective action that the President and the Congress can take to defend the dollar is to put our financial house in order by cutting back on government spending and limiting the deficits in our budget," Spong said.

"If we do not take vigorous action now we face a real threat of the devaluation of the dollar and the resulting consequences."

The senate banking and currency committee Monday voted to eliminate the 25 per cent gold reserve behind federal reserve notes.

"What the removal of the gold cover will do," Spong said, "is to make clear to the world that the United States is prepared to defend the dollar. With the United States making it clear that it intends to maintain the convertibility of the dollar it is hoped that market speculation against the dollar will be discouraged and that the

demand for gold will be reduced." "At the present time we have gold stocks of approximately \$12 billion and a current gold cover requirement of \$10.7 billion," Spong noted. "Thus we have \$1.3 billion in free gold. The normal annual increase in gold required as reserves for domestic use is \$700 million. In two years—without making allowances for an outflow of gold to foreign countries—the available free gold will be depleted.

"Faced with the current status of our gold stocks, the prospect of further deficits in our international balance of payments and continuing pressure on the dollar abroad, I believe that the congress has no alternative but to remove the gold cover."

Spong said the removal of the gold reserve should have no adverse effects domestically, for the value of purchasing power of the dollar is not determined by the gold reserve behind federal reserve notes.

"It should be made clear that the removal of the gold cover will not solve the U.S. balance of payments problem, but will only buy us time to take necessary remedial action," he said.

The gold cover was adopted in 1913 along with the establishment of the Federal Reserve System. At that time the law required a 40 per cent gold reserve behind federal reserve notes and a 25 per cent reserve for deposits.

In 1945 the required gold reserves behind both notes and deposits was reduced to 25 per cent because of a concern that the expansion of money and credit required by wartime financing might



U. S. Senator William B. Spong, "Squire" Newton, Jerry Robertson and Charles Covington, Newport News city treasurer, at the March dinner featuring Spong's address

exhaust the gold held in excess of legal requirements.

In 1965 the reserve requirement for deposits was removed because the outflow of gold to foreign countries and an increase in federal reserve notes had reduced the ratio of gold to currency and deposits to just under 28 per cent. Since 1965 the amount of free gold has declined further.

Senator Spong also criticized President Johnson for erroneously telling the American people "We could have guns and butter" and called for continued cuts in federal spending to head off a situation of "economic peril."

The Junior senator from Virginia explained that more than two years ago the president made his "guns and butter" statement and "we haven't been able to accomplish this yet and we're not going to be able to."

"It's absolutely necessary for us to curtail spending and at the same time it is necessary for us to strengthen the dollar and to stand behind it," Spong said.

He singled out three "priority" items where he feels the federal government can make substantial budget cuts: the space program, the agriculture program, the agri-

culture program and the area of public works projects.

Spong cited problems that face the big cities, air and water pollution, problems of racial discord, deficit spending and fighting a war. "We just can't walk away from these problems, we can't avoid them," he said. "We have to work to eliminate them, and if necessary, all at once."

In answer to a question Spong noted that certain curtailments regarding to have to be made on U. S. travel abroad. "The other nations involved are not going to like it. But they must face reality."

# WHAT'S IT ALL ABOUT?

Editor's Note: The following article, the first of three, is a condensation of several articles written on topics in the general area of communist dogma. In light of the continuing criticism of our present policies in Viet Nam it is hoped that they will give the reader some insight into the difficulties of our position in South Asia.

by Earle T. Hale

An ugly drizzle was still falling as a tall, young man mounted the podium. He was no more than thirty, but his intensesness of manner made him seem much older. A crowd of about two hundred and fifty had gathered sipping, appreciatively, the hot coffee that had been distributed.

"I bring to you the message of the living Christ," he began, "... of hope ... of jobs ... of food for your families! I bring to you your stolen manhood!"

"They say that I am a communist! And I say to them proudly, Yes, I am a Communist. I am a communist, as Jesus Christ was a communist. I look upon your jobless, your hungry, your crippled and your sick, and I weep as Christ wept.

"It is not that I am less democratic in my views than those who oppose me! It is, rather, that I have more compassion for your suffering. I don't offer you words! I don't offer you charity! I don't offer you handouts! I offer you opportunity and a share of this dream of freedom and democracy!

"Is it wrong to stand with your head held high? Is it wrong to want to work hard for a fair wage? Is it wrong to want a decent home for your family? Is it wrong to want food on your table and milk for your children?

"Yes, I am a communist! And if wanting a decent life for you is wrong, then I am also wrong! They say that I seek to enslave

you, but I offer food and jobs, not chains! It is not slavery I speak of—it is freedom! I offer you freedom from the exploitation of the "man"! I offer peace and freedom ... freedom!!!

The place is New York and the year is 1968. The crowd is Americans—very poor Americans. What they are hearing is what countless thousands have heard before in Russia, Poland, Hungary, and China. They are being confronted, for the first time, with truth, half-truth, and unequivocal falsehood. They are basically good, religious people who want a decent wholesome life. They lack, however, the only genuine defense against communism—education and hope! Whether, in the final analysis, they will resist this fallacious appeal is the test of our republic.

Peace ... Freedom ... Democracy—all words that are commonly used in everyday conversation. To us these words have precise meaning, but to a communist definitions need not be so fragile. When the communist speaks of freedom ... well, freedom means whatever he wants it to mean. To the communist the spoken and written word is used to mislead and deceive rather than to inform.

Peace is defined, not is the absence of war but rather, as the absence of capitalism. Lenin said "that until communism has shoved capitalism off the face of the earth, peace will be impossible and will not be permitted." The "peace-loving peoples" that the communists are want to refer to, would appear to be nothing more than hordes bent on our ultimate destruction.

Consider the word "freedom." To Americans this means being left alone to do as we please. But to Nikolai Lenin the word had an entirely different connotation. Lenin said, "the flag of freedom will be waved against us ... but every

freedom is a fraud." The only real freedom is in "the liberation of the working masses from exploitation, unemployment and poverty." Freedom then, in the eyes of the "Red world" is the state's custody of all the people's civil rights in exchange for protection from "Exploitation."

In the lexicon of the "western world", democracy means self-government with elected representatives enacting laws which have survived genuine debate. But communist dogma states that "... democracy is in no way incompatible with the dictatorship of one person."

"Peace" is war. "Freedom" is protection, and "Democracy" is dictatorship!

Despite protestations to the contrary, communism is greatest single threat to human freedom in the modern world. Paradoxically it promises more and greater freedoms than anyone enjoys in the United States or any democracy. In practice, however, communism has been more destructive of human liberty than any other totalitarian system. The theory of communism is so riddled with philosophic tricks and the practice so completely camouflaged by spurious philosophy that millions of people have been wholly deceived. Communism is, in reality, nothing more than totalitarian scheme for the total regimentation of the human existence.

Of primary importance to communist ideology is the denial of God, because of its concept of freedom. Bishop Fulton J. Sheen in his testimony before the House Committee on Un-American activities stated, "A man is free on the inside because he has a soul that he can call his own. Wherever you have spirit you have freedom. A pencil has no freedom, ice has no freedom to be cold, fire has no freedom to be warm. You begin to have freedom only when you have

something immaterial or spiritual."

Now freedom must have some external guaranty of itself. The external guaranty of human freedom is property. A man is free on the inside because he can call his soul his own; he is free on the outside because he can call something he has his own. Therefore, private property is the economic guaranty of human freedom.

Suppose now you concoct a system in which you want to possess man totally. On what conditions can you erect a totalitarian system so that man belongs to you completely? One, you have got to deny spirit, two, you have to deny property.

That is why the existence of God and private property are both denied simultaneously by communism. If a man has no soul, he cannot allege that he has any relationship with anyone outside the state. If he has no property, he is dependent upon the state even for his physical existence. Therefore, the denial of God and the denial of property are both conditions of slavery, and of Communism!

Communism, however, not unlike Christianity, is a driving dynamic faith. It possesses all of the passion and fervor that we normally associate with the early Christian church. Men, equally dedicated to their "religion", fill the ranks of the Communist legions and their belief in the "holiness" of Communism closely parallels the faith of the disciples. But Communism's fundamental tenet, its first principle, is atheism.

The eventual victory of Communism over the "decadent forces of Capitalism" is a forgone conclusion to the Marxist. He firmly believes that Karl Marx, the modern founder of Communism, proved this beyond any reasonable doubt in his "doctrines of opposites." This doctrine, simply stated, attempts to

prove that everything contains two main opposing forces. Marx called one the thesis, and the other the antithesis. The thesis and the antithesis are in a constant state of conflict and eventually destroy each other. Out of the destruction of the opposing forces a new force arises which is called the synthesis. Eventually the synthesis splits into opposites and new thesis and antithesis is born. From the clash of the new opposing forces, a new synthesis arises.

Using history for an example we can turn to societies where the King was the supreme law of the land. Let us call him the "thesis". The men held by the King in bondage or slavery are the antithesis. The conflict between these two opposing forces leads to the formation of a synthesis or a new form of government—in this case feudalism. Feudalism, then divided into two opposing forces, the serfs and the lords (the thesis and the antithesis of this struggle led to the creation of capitalism. In our time, the Marxist claims that employers and workers are the thesis and antithesis of modern day capitalism. From the synthesis of this struggle will be born a new society—Marxian Communism.

The Communist argues that each new society is the superior of its predecessor. This "class struggle" will cease only when Communism is the dominate society. For under Communism there is only one class—the proletariat or working class. In this classless society the state will wither away as man's "fundamental goodness" will preclude the need for centralized authority. All the means of production will be owned collectively by the "people" and the "individual" will be awarded, for his endeavors, on the principle "from each according to his ability, to each according to his needs."

Next Issue: Viet Nam and You

STUDENTS RIDE WITH SQUAD CARS

In a recent SBA meeting Prince Butler, Chairman of the Courtroom Experience Committee, announced the initiation of a new program which has been formulated in connection with the Williamsburg Police Department and which is designed to further law students' understanding of the job of police officers. This program will permit law students to spend several hours one evening in a police patrol car observing officers in the performance of their routine duties. A similar program was sponsored by Rutgers University where it was met with enthusiastic approval. As soon as the final arrangements have been completed, a meeting will be called at which the Chief of Police will set forth his requirements for participation in the program. Also at this meeting, students will be expected to sign a statement releasing the Williamsburg Police Department from liability for any injuries which might arise from their presence with the police officers. Notices of this meeting will be posted on the bulletin boards. Anyone who wishes to be included in the program and who has not already signed up, should contact Prince Butler.

For the benefit of those who are not already familiar with its work, the Courtroom Experience Committee was established by the Student Bar Association for the purpose of providing an opportunity for students to witness judicial machinery in action. It was hoped that by seeing a trial in process, the individual concepts learned in the classroom would not only become more meaningful to the student, but also would fit together in jigsaw fashion to become a meaningful whole. One law student has remarked that his knowledge of law was completely compartmentalized until he had witnessed several cases being heard and that then he realized how interrelated and how dependent upon each other were the separate courses. In the past the Committee has posted notices of each trial on an individual basis, giving the name of the case, the attorneys representing the parties, the type of case, and the time. Recently a new system was initiated whereby cases set for the entire term are being posted a few days after docket call. Any cases that are continued or settled out of court will be so noted on the list.

SWINDLER BOOK GOES TWO VOLUMES

Professor William F. Swindler has been advised by his publishers, the Bobbs-Merrill Co., that his study, Court and Constitution in the Twentieth Century, will be published in two separate volumes. The first will appear in the early fall of 1968 and the second in the early spring of 1969. Each will be separately subtitled.

LAW JOURNAL FEATURES WRAN BUILDING

The February issue of the American Bar Association Journal features a color picture of the Wran building on its cover, with an accompanying feature on "America's Oldest Collegiate Law School." The cover pictures are part of a series being run by the Journal on historic sites in the American law.

It is the Committee's hope that students will continue to take advantage of this excellent opportunity to learn. Any suggestions that you would like to make concerning the Committee's work would be welcomed by any of its members who are Prince Butler, John Galdies, and Garnette Saunders.

LAW STUDENTS ELIGIBLE (Continued from Page 1)

school year, with another summer camp between the two years.

The program was originally initiated by the Department of the Army to give transferees from junior colleges and other non-R. O. T. C. schools the opportunity to gain a commission through the R. O. T. C.

The general requirements for admission to the program are that the applicant be a full-time student with two years remaining on campus, and be able to meet certain mental and physical requirements.

Because of the limited number of openings in the program and the basic purpose as stated above, the Department of the Army has established four priorities for acceptance to the program. The priorities are:

1st priority: Undergraduate students who will be juniors who did not have an opportunity to take basic R. O. T. C. (transferees from junior colleges).

2nd priority: Undergraduate students who were previously enrolled in basic R. O. T. C. who did not complete the course for various reasons.

3rd priority: Undergraduate students who attended an R. O. T. C. school but who did not enroll in basic R. O. T. C.

4th priority: Graduate students in certain specified fields of study.

The study of law has recently been added to the fields included in the 4th priority. Consequently, law students who have two years remaining before graduation can apply for the two year R. O. T. C. program. Applying students should keep two things in mind, however. Due to the limited number of openings in the program and the positions of graduate students on the priority list, there is no assurance that they will be accepted for the program. Additionally, if accepted, there is no guarantee that the Army will utilize your legal training. The needs of the Army must be supplied first, and unfortunately, at the present time, the supply of lawyers available to the Army far exceeds the demand.

Despite the limitations on the program, it is still encouraging that this avenue is open to law students. Perhaps this program will enable some students to remain in school and gain a commission, thereby benefitting themselves and the Army.

OBSCENITY AND THE FIRST AMENDMENT

In 1968 the Commonwealth of Pennsylvania filed a suit in equity to enjoin the sale and publication of the allegedly obscene book, Candy, by Dell Publications, Inc. The lower court ruled that the book was obscene within the meaning of the Pennsylvania Act and thus was not afforded the protections of the first and fourteenth amendments. It granted a permanent injunction prohibiting the book's sale and distribution, from which Dell Publications appealed.

The Supreme Court of Pennsylvania reversed, citing as error the lower court's interpretation of the obscenity test guidelines as outlined by the United States Supreme Court. Although the majority did not approve of Candy they felt that it did not meet the requirements of "legal obscenity."

The evolution of these tests for legal obscenity has been unclear and contradictory; however, two types of obscenity have been recognized by the courts—obscenity per se or the constant obscenity approach, and obscenity per quod or the variable obscenity approach. Underlying each type is the power and right of the federal and state governments to express or suppress obscene materials for the prevention of nuisances and anti-social conduct and for the preservation of the character of the people. The courts in Misakia v. New York placed the emphasis not only on the subject matter of the books, but also on whether it was "designed for and primarily disseminated to a clearly defined deviant sexual group."

These judgments generated much criticism and confusion among courts and legal scholars for it continued the uncertainty of how equitably to determine the correct standard for obscenity. Should the courts base their determinations solely on the book itself? Should they look to extrinsic factors and if so, which factors are vital in ruling the materials obscene? It has been in this framework of questions and uncertainty that the courts have been forced to work, groping for a practical solution to obscenity. From the cases that have been decided since 1968 it is apparent that the courts have chosen to lay great weight on the per se definition of obscenity, following the precedents of the Memoire decision, and ignoring the per quod approach of Ginsburg and

community standards, the dominant theme of the material taken as a whole, appeals to the prurient interest."

Despite this expansion of the definition by the Court, the test for obscenity still remained vague as exhibited by the fact that from 1967 until 1968 the Supreme Court rendered only two full opinions while in the others they issued per curiam decisions, preferring not to tackle the meaning of obscenity."

The need for a clearer and more precise test was apparent. Proceeding toward that goal, the Supreme Court in 1968 in Memoire v. Massachusetts enlarged the definition of legal obscenity by stressing that the material must also be patently offensive and utterly without redeeming social value. This emphasis was fully consistent with the trend toward the per se or constant obscenity approach.

On the same day however, the Court announced two other cases which signaled a reshifting from this constant approach to the variable obscenity approach. In Ginsburg v. United States the Court judged the materials as obscene on the basis of the advertising by the publisher in which he exploited the interests in titillation through pervasive treatment or description of sexual matters. Similarly, the Court in Misakia v. New York placed the emphasis not only on the subject matter of the books, but also on whether it was "designed for and primarily disseminated to a clearly defined deviant sexual group."

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Misakia unless specifically raised by the parties themselves."

The majority in Dell Publications followed this trend by adopting the constant obscenity test and the variable obscenity test. In a vigorous dissent, Justice Musmanno urged the court to exercise its valid state power in upholding the moral standards of the American people by declaring Candy obscene and to disregard the perplexing standards of obscenity as outlined by the Supreme Court."

Until the Court can clarify these criteria for obscenity by formalizing either the per se approach, the per quod approach, or some other standard, as urged by the dissent in Dell Publications, the courts are going to have to make a case-by-case determination, which will lead to continued confusion and inconsistency in the law of obscenity.

MICHAEL A. BRODIE

FOOTNOTES

- 1. P.L. 1907 (1965), as amended 18 P.S. § 3451 (1965).
2. Commonwealth v. Dell Publications, Inc., 437 Pa. 187, 343 A.2d 338 (1967).
3. The Pennsylvania Supreme Court based its decision on the doctrine of Roth v. United States, 354 U.S. 1 (1957) and Memoire v. Massachusetts, 393 U.S. 618 (1969).
4. See generally, Ellis, See Publications and Moral Corruption; The Supreme Court's Decision in Memoire v. Massachusetts, 393 U.S. 618 (1969); Henkin, Memoire and the Constitution: The Sin of Obscenity, 68 Columbia L. Rev. 783 (1967).
5. Chief Justice Warren issued an opinion in the law for the law generally held to be logical, our modern world, that since by its very nature, it included a large element of irrelevancy. CHAIRMAN, COMMISSIONERS AND MEMBERS OF THE NATIONAL COMMISSION ON OBSCENITY: 210-15 (1967).
6. The issue turned on this approach is upon the book itself and whether it is obscene within the standards established by the Supreme Court. It ignores extrinsic factors, as the conduct of the author and the audience to whom the work is directed. See, e.g., United States v. One Book Entitled Uranium, 5 F. Supp. 109 (S.D. N.Y. 1951); 127 F.2d 906 (2d Cir. 1941); Roth v. United States, 354 U.S. 1 (1957); Memoire v. Massachusetts, 393 U.S. 618 (1969).
7. Obscenity per quod has been characterized as reliance upon extrinsic factors including the audience selected and the dissemination, the time, place, and distribution. Memoire, Obscenity 1968: The Horrifics of Obscenity Per Se and Obscenity Per Quod, 1968 L.J. 127, 133 (1968). This approach was adopted in Memoire v. Massachusetts, 393 U.S. 618 (1969).
8. Ginsburg v. United States, 398 U.S. 454, 470 (1968).
9. The burden is upon the government to prove and the defendant is presumed innocent on the subject. Compare Memoire v. Massachusetts, 393 U.S. 618 (1969) and United States v. Roth, 354 U.S. 1 (1957) (majority opinion).

with Musmanno, J. (dissenting opinion). See, Clark, J., Memoire v. Massachusetts, 393 U.S. 618-624 (1969) (dissenting opinion) and Frank, J., Roth v. United States, 354 U.S. 796, 800, 815-17 (1957) (concurring opinion).

10. The basis of this is not that actual conduct will result from the reading of obscene books or the watching of obscene motion pictures, but that the undermining of the character of the people and subsequently the nation will follow. See, e.g., Memoire v. Massachusetts, 393 U.S. 618, 624, 626 (1969) (dissenting opinion); Memoire v. Massachusetts, 393 U.S. 618, 624, 626 (1969) (concurring opinion); Memoire v. Massachusetts, 393 U.S. 618, 624, 626 (1969) (concurring opinion).

11. Ellis, See Publications and Moral Corruption; The Supreme Court's Decision in Memoire v. Massachusetts, 393 U.S. 618 (1969); Henkin, Memoire and the Constitution: The Sin of Obscenity, 68 Columbia L. Rev. 783 (1967).

12. E.g., Roth v. United States, 354 U.S. 1 (1957); Memoire v. Massachusetts, 393 U.S. 618 (1969); United States v. Smith, 46 F. 470 (E. D. Va. 1912).

13. See, e.g., United States v. Dennis, 429 U.S. 624 (1956); United States v. Kennedy, 399 F. 118, 201 (2d Cir. 1961).

14. United States v. One Book Entitled Uranium, 5 F. Supp. 109 (S.D. N.Y. 1951); 127 F.2d 906 (2d Cir. 1941).

15. Id. at 429. Chief Justice Warren urged a re-evaluation of the per quod or variable approach. He stated that the conduct of the defendant and not the obscenity of the work was the central issue. Id. at 430 (concurring opinion). Likewise, in United States v. 31 Photographs, 187 F.2d 116 (S.D. N.Y. 1951) the Chief Justice urged that the relevancy of the material was a vital factor in judging their character.

16. Within the doctrine laid forth Justice Brandeis, in his dissenting opinion, stated that the proper standard for obscenity should be, in addition, Justice Brandeis, in his dissenting opinion, stated that the relevancy of the material was a vital factor in judging their character. Justice Harlan, in his dissenting opinion, stated that the relevancy of the material was a vital factor in judging their character.

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18. United States v. Babusha, 199 F.2d 512 (2d Cir. 1954) and People v. Pinsky, 236 App. Div. 300, 262 N.Y.S.2d 333 (1953); 195 N.Y.S.2d 374, 173 N.E.2d 237 (1956); contra, Alton v. General v. South West Forward, Armer, 223 Mass. 296, 206 N.E. 84, 85, 86 (1924).

19. 393 U.S. 618 (1969).

20. 32 S.Ct. 828. The basis for this decision may be traced back to Regina v. Hicklin, 4 Q.B. 360 (1868) and more recently to the Executive Order on Material in Manual Enterprises v. Day, 378 U.S. 109 (1964).

21. See, e.g., Ginsburg v. United States, 398 U.S. 454, 470 (1968). See also, Dreyfus, (dissenting opinion) and Memoire v. Massachusetts, 393 U.S. 618 (1969).

22. In 1968 the Supreme Court had not yet decided on the issue of obscenity per se and issued more per curiam decisions. Justice Harlan, in his dissenting opinion, stated that the relevancy of the material was a vital factor in judging their character.

23. In Attorney General v. Book Named "Fanny Hill" (Mansfield v. Lee), 410 U.S. 491 (1967); Memoire v. Massachusetts, 393 U.S. 618 (1969); and Kansas v. Hays, 408 U.S. 454 (1967); Memoire v. Massachusetts, 393 U.S. 618 (1969); Books Inc. v. United States, 393 U.S. 463 (1967).

24. In Attorney General v. Book Named "Fanny Hill" (Mansfield v. Lee), 410 U.S. 491 (1967) the court held, without considering the commercial exploitation criteria of Ginsburg, that the book did have some social value as recorded by a number of favorable literary reviews and criticisms. Justice Brandeis, however, felt that the book should be removed of the lower court, even though the commercial exploitation of the book, 378 U.S. 676 (1964).

25. In Memoire v. Massachusetts, 393 U.S. 618 (1969) the court held that since none of the parties brought up the issue of pandering or commercial exploitation, the court should have decided the case on a strict interpretation of the per se or constant obscenity test.

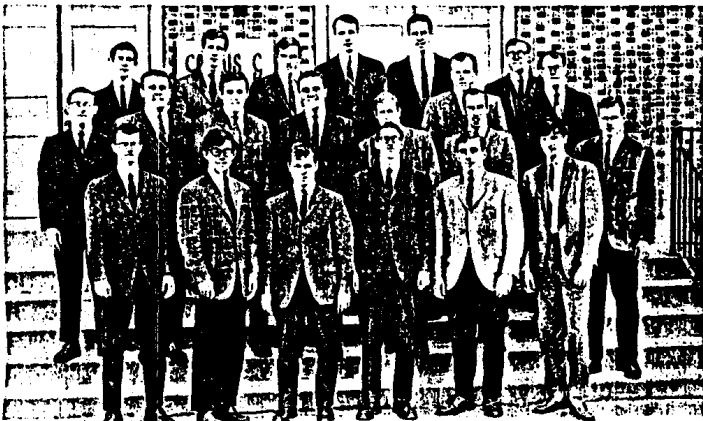
26. Commonwealth v. Dell Publications, Inc., 437 Pa. 187, 343 A.2d 338 (1967). This view has received little attention from the Supreme Court. Justice Harlan, in his dissenting opinion, stated that the relevancy of the material was a vital factor in judging their character.

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Phi Alpha Delta pledges included several women law students as special affiliates. Front row, left to right: John Sabourin, Joel Shane, Sharon Huffman, Elizabeth Seaver, Mary Lou Miller, Chris Sutton; second row, Jim Insley, Harry Saunders, Hal Bonney, Jim Lowe, Bill Register; third row, Ralph Elmore, Bruce Langs, Tom Connors, Don Seacore; Tom Griffin; last row, Bill Scott, Kevin McCarthy, Howard Smith, Dennis Hensley, Doug Bergere, Tone Gaete, Jaul Jensen, James MacLemore.



Phi Delta Phi pledges include, front row, Bob Bradenham, Jim Stewart, Stuart Spira, Sol Perlman, Bob Parker, Ken Phillips; second row, Leonard Ringler, Joe Smith, Mike Collins, Earl Hale, George Newman, John Morris, Terry Light; third row, Dave Miles, Chuck Midkiff, Jerry Veyer, Ed Polubinski, Steve Crampton, Ed Chappel, Leonard Starr, Mickey Golden.

## FRATERNITY NEWS

### Phi Alpha Delta

With the second semester of the year now in full swing, the brothers of Phi Alpha Delta can pause to look back upon a successful rushing period as well as prepare for the events the fraternity has scheduled for the remainder of the year.

The fraternity rush resulted in the fraternity acquiring 22 pledges along with 10 members in the newly created social affiliation program. The highlight of the rush in addition to the number of full pledges taken has to be the fact that for the first time, women at the law school have been extended some form of membership to the legal fraternities. Six girls accepted the invitation of P.A.D. They include Karen Atkinson, Sharon Huffman, Mary Lou Miller, Susan Reynolds, Betsy Seaver, and Eleanor Seltz. They, along with the rest of the social affiliates, will be extended certain privileges that members of the local chapter are entitled to, including all discounts at the bookstore.

The roster of pledges include Douglas Bergere, Hal Bonney, Tom Connor, Ralph Elmore, Roland Fraszler, Tony Gaeta, Tom Griffin, Dennis Hensley, Sid Insley, Paul Jensen, Bruce Langs, Kevin McCarthy, Jim McLemore, Don Reichle, John Sabourin, Harry Saunders, Don Seacore, Bill Scott, Joel Shane, Howard Smith, Chris Sutton, and Ross Collins. The remaining four social affiliates are Bruce Long, Jim Lowe, Bill Register, and Ed Sued. The presidents of the pledge class are Doug Bergere and Harry Saunders.

The pledges will be helping the Virginia Bar Notes Association as a part of their pledge program. They will be asked to shepherd all of the sections of the notes so that they can be updated and hopefully reduced in size.

The fraternity members will soon be undertaking the project of examining those sections of the cram course notes that were changed substantially at the last course in Richmond, and deciding how much revision should be done prior to the June course.

There is a luncheon program set for the 23th of March to be held in the Student Center at 12:00 P.M. The speaker at this time is still uncertain, but it is hoped that the representative of Truth, Inc., a firm that specializes in the use of polygraph equipment.

Toward the end of April, either the 22 or the 24, the chapter will sponsor a tour of the Newport News Court system conducted by Willard Robinson, the Commonwealth Attorney. It is hoped that the students will have an opportunity to sit in on an interesting case on either of these days. A tour is tentatively set for early May to the offices of the State Corporation Commission in Richmond.

On March 15, the brothers nominated officers for the coming year and discussed a set of rush rules agreed upon by representatives of both fraternities. It is hoped that both fraternities can agree on a single set of rules to govern rush for future years. Elections of the new officers were held on Friday March 22. The installation will be on Saturday April 20, immediately following the initiation of the pledges.

### Phi Delta Phi

The inception of Spring Semester for Jefferson Inn was the Inn's February professional dinner meeting at which occasion Senator William R. Spong, Jr. (Dem.-Va.) was featured as guest speaker. The Senator directed his comments primarily on the gold cover action pursuant to the United States' international balance of payments and continuing pressure on the dollar abroad situation.

Rounding out the initial phase of Spring activities was the Inn's annual Spring Rush which entailed two functions—a mixer on February 9, 1968, at which wives and dates were also in attendance and a stag smoker the ensuing Tuesday night, February 14, 1968. Jefferson Inn is proud to welcome to its fold the following twenty-two new pledges: Bob Bradenham, Ed Chappel, Mike Collins, Steve Crampton, Mickey Golden, Earl Hale, Terry Light, Chuck Midkiff, Dave Miles, John Morris, George Newman, Rob Parker, Saul Pearlman, Ken Phillips, Ed Polubinski, Leonard Ringler, Joe Smith, Stu Spin, Vernon Spattley, Leonard Starr, Jim Stewart, and Jerry Veyer.

With the advent of the new semester new officers were elected for three vacated positions that are now comprised of Butler Barrett (Magister), Andy Parker (Vice-Magister), and Lloyd Riels (Exchequer).

Another note of discernible interest was the Inn's extension of acknowledgments to retiring Virginia Supreme Court of Appeals Judge C. Vernon Spattley for his forty-four years of public service by awarding him a plaque in recognition of such meritorious labors.

Future events on the Itinerary for later this semester will include having as guest speaker for our April dinner Mr. William S. Battle, former United States Ambassador to Australia and purported gubernatorial aspirant. Also on the agenda is the initiation of former Governor Albert S. Harrison, now Associate Justice of the Virginia Supreme Court of Appeals, as the Inn's seventh honorary member.

### LAW FIRMS RAISE SALARIES (Continued From Page 1)

It is that the new figure will become the going rate.

Cravath, Swaine, & Moore, the Wall Street Firm that first announced the increase, said that its move was not for competitive reasons, but rather due to the high cost of living in the city. However, many lawyers disagreed, and suggested that the increase was caused by the reluctance of young lawyers to live in New York, and their desire to practice in the smaller and more varied firms.

The Two major Washington firms—Covington & Burley and Arnold & Porter—have said that they would remain competitive and may go to \$15,000. On the other hand, the leading firm in Los Angeles—O'Melveny & Meyers—has given no indication that it would meet the \$15,000 figure.

Whatever the final outcome will be, it appears certain that the starting salaries for this year's graduating class will be substantially higher than last year. Although firms across the country may not reach the \$15,000 level, they will have to make some increase in order to meet the competition.

## Faculty Evaluation Plan Reviewed

In the course of four meetings, the Student Evaluation Committee has evolved a plan which should be of continuing benefit to the Law School through the years. Starting with the Statement of Objectives, down through the drafting of the questionnaire, the methods for distribution and collection, and a set of by-laws, the Committee has attempted to propose a responsible and workable method to implement a student evaluation program.

The Statement of Objective printed below should leave no room to doubt the sincerity of the effort which will go into the evaluation:

For the purpose of opening the channels between the administration of the Law School and the students; so that all students will have the opportunity of voicing their own opinions of the quality of instruction and to comment on the Law School curriculum; in view of the fact that the students at a professional level are often in an advantageous position to evaluate the effectiveness of professors, text books and exams, it would be advantageous for instructors and the administration to have access to those opinions; therefore, it is the will and intent of the SBA in establishing such an evaluation system, not to brazenly and

contumaciously embarrass, but rather the will and intent of the students is to establish a sensible system through which constructive and responsible student criticism can be communicated in good faith to the administration and to the instructor. The objective will be to make a sincere effort to improve on a continuing basis, the level of instruction in the Law School.

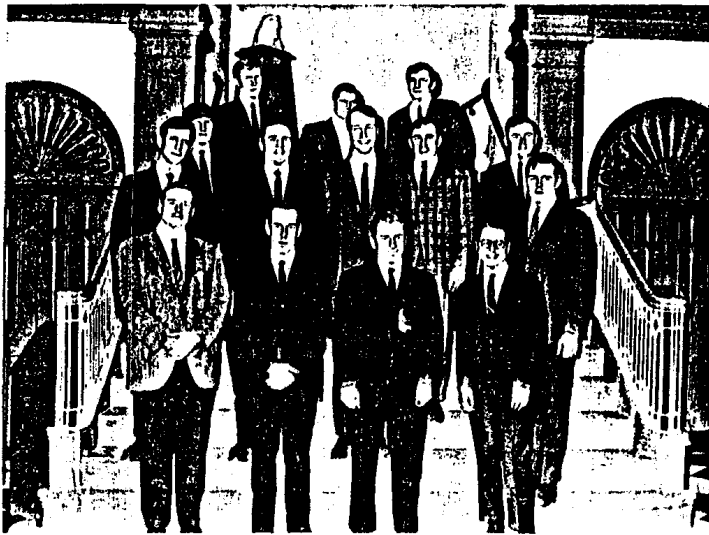
The reports will be confidential and the results will be given to the dean of the Law School and professors interested in the results from their courses. Space will be provided for individual student suggestions and comments which, it is hoped, will be helpful to instructors and administrators. Permission will be requested to punish certain findings which are of a general nature.

Modeled after the undergraduate system here at the College, but adapted to the Law School's needs, the questionnaire allows for student comment on the professor's method of teaching, on exams, and on reading materials for the courses. This section of the evaluation has been adapted to a computer which will compile the results into a meaningful form. Adequate space is left for student comment on the courses and on other programs of the Law

School. The Committee will take the results of the comments and compile them into short essays which will show areas of consensus and trends which appear. The Committee recognizes that its questionnaire is not perfect and for this reason has provided space for comment on the "questionnaire" itself. It is thus envisioned that the evaluation will continually be changing and bettering itself on the basis of these suggestions.

Three copies of the computer findings and individual comments will be printed. One will be given to the instructor, one to the Dean of the Law School, and one will be retained by the Chairman of the Committee in strictest confidence, to be passed on to his successor.

Just as soon as the final stamp of approval is given to the program, questionnaires will be printed and distributed among the law students and first semester 1967-68 will be used as a trial semester. What is then needed is full participation in the program by the students of the Law School. The student evaluation represents an opportunity for each student to voice an opinion which can benefit each professor, aid the administration, and ultimately aid the Law School in maintaining a high caliber of instruction, reflective of the needs and desires of the students



Law Review candidates include, front row, Terry Light, John Morris, Oony Brodie, Joel Shane; Second row, Charles Midkiff, Earl Hale, Ed Polubinski, Bob Parker, Joe Kelley, Mike Collins; back row, Ken Phillips, Dennis Hensley, Jim Insley, Tony Gaeta.

### LAW REVIEW REACHES PEN, PLAYBOY, AND OTHERS

The Managing Editor of the *William and Mary Law Review*, Mark Dray, has disclosed that an order was received in February from an inmate at Leavenworth Penitentiary for Volume 9:2 of the *Review*. Mr. Dray did not know which of the articles interests the prisoner, however, he said it is most likely a Current Decision entitled "Right of an Accused to the Presence of Counsel at a Line-up" by John D. Soura. This order, coupled with the order from HUGH HEFFNER of *Playboy Magazine* received in November, indicates that the *Review* is fast becoming a champion of non-conformists against "The establishment."

The names of fifteen first year students who were allowed to compete for a position on the *Review* were released in February soon after the first semester grades were compiled. Following the usual practice, the top fifteen students academically were chosen to enter the competition. Their grade averages ranged from 2.0 to 2.85. These students went through a rigorous six weeks competitive program in which the competitors submitted a publishable piece of legal writing, which would demonstrate proficiency in editing skills, and exhibit an outstanding capacity for legal research. The practice of past years was followed and twelve of these students have been chosen as candidates for the *Review*. Those who were not chosen can be in the competitive program held next Fall along with any other students who bring their averages above 2.0. Those chosen were: Homer L. El-

liott, Charles F. Midkiff, Robert S. Parker, Edmund Polubinski, Anthony Gaeta, Kenneth A. Phillips, Joel H. Shane, Michael M. Collins, Dennis C. Hensley, Earle T. Hale, Terry B. Light, Joseph H. Kelly, and Michael A. Brodie.

At the end of the first semester, Robert E. Scott, Editor-in-Chief of the *Review*, made new appointments to the Editorial Board to replace those members of the Board graduating in February. The members of the *Review* Staff receiving appointments were: Karen L. Atkinson as Articles Editor, Glenn J. Sedam as Book Review Editor, and James K. Stewart and Jon Bruce as Research Editors.

The *Review* sent three representatives to the Southern Regional Law Review Conference held in Columbia, South Carolina on February 16th and 17th. The representatives—Charles Friend, Kent Millikan and Glen Sedam—brought back several suggestions which "can be used to improve our own review." On the other hand, they reported that "our methods and procedures are generally superior to those in common use among the other law reviews present" and that they were "tremendously impressed with the superiority of our review over the others." They did admit, however, that many of the better southern law reviews did not attend the conference because of the imminence of the National Convention.

The Spring issue of the *Review*, volume 9:3, is scheduled to be distributed at the end of March. The theme of this issue will be "International Law, ten articles by



Second semester Law Review editorial staff shown above, let to right: Pete Holtmuller, Jim Stewart, Charles Friend, Mark Dray, Bob Scott, editor in chief, Kent Millikan, Karen Atkinson, Jon Bruce, Glenn Sedam.

prominent writers will be devoted to this subject. These articles deal mainly with the "human rights" aspect of international law, covering religion, race, and the U.N. covenant on human rights. One article which will be of particular interest to some students is entitled "International Illegality—Draft Avoidance by David M. Cohen. Some *Review* members speculate that this article will precipitate orders for volume 9:3 from "draft dodging" organizations around the country. Reliable sources within the *Review* say that the *Review* will carry on a special campaign to sell this issue to the foreign embassies in the United States.

the expectation that such changes will promote the significance of this election.

Other Spring social events include a year end picnic and an SBA Golf Tournament at the Williamsburg Country Club. The tournament is scheduled during the first week in May is planned to run for two days with trophies awarded to the winners.

Progress in other areas include the establishing of a Student Grievance Committee at the last SBA meeting. The committee chairman is Glen Sedam and the function of this committee is to receive student complaints, to study them, to present suggested remedies, and to report to the student body as a whole. Most recent developments include efforts towards allowing law students membership in the national honorary fraternity of Omicron

### LAW STUDENTS AID

(Continued From Page 1)  
make determinations as to whether applicants qualify as indigents entitled to aid under the program. This is done by referring to an income scale which lists the maximum income allowable for individuals having various numbers of dependents, and comparing it with information given by the applicant as to his income and assets. If the applicant qualifies, a student briefs his problem and collects pertinent information that will assist Mr. Brocolletti in litigating the matter.

In addition to conducting interviews, students prepare various legal forms, such as bills of complaint, orders of reference, petitions for name change, affidavits for numerous purposes, etc., and make investigations as to the validity of statements made by applicants.

By mid-February, Mr. Brocolletti and Company had screened over 135 indigents, and of that number, 77 actual cases developed. Statistics compiled as of January 31 showed that domestic relations problems comprised the bulk of the TLAS' work load. As of that date, the number of domestic relations matters handled was 24. These were 4 adoption cases, 6 contract matters, 5 public assistance prob-

lems, 2 insurance cases, 2 housing problems, 1 truancy case, 3 credit arrangements, and 1 court cost problem.

The volume of TLAS business has increased rapidly since the program was started in December. Wide coverage has been given it by television and the newspapers. Mr. Brocolletti and the Norfolk Bar Association acknowledge gratefully that the present volume of legal services rendered by TLAS could not be handled without the aid of Marshall-Wythe volunteers.

Students who are participating on a regular weekly basis are: Vernon Spratley, Scott Swan, Roger Amole, Joel DeBoe, Sharon Hoffman, Bill Register, Betsy Stever, Fred Grill, Leonard Starr, Paul Morley, Barry Hollander, Frank Sando, Joe Smith, Joe Kelly, Rob Elliot, Chris Sutton, and Hal Bonney. In addition, the following students have signed up for participation and will be scheduled as they become available: Jerry Robertson, Ed Newton, Eleanor Seitz, Tony Gaeta, Bruce Long, Terry Light, Bert Smith, Kent Wilcox, George Jensen, B. W. Walters, A. C. Woodruff, and Bob Lowman, Student Director of the program; Roger Amole will furnish information about participating to anyone interested.

### 29 Law Students Pass December Bar

Some 258 persons passed the Virginia Bar Examination given last December. This was 74.6 per cent of those taking the examination. An even higher percentage of those students from Marshall-Wythe were successful.

Among those passing the bar examinations were nine February graduates of Marshall-Wythe. They are: Robert T. Wandrel, Bedford Sam T. Beale and Richard A. Repp, Richmond; David K. Sutefan and Charles E. Kent, Norfolk; David D. Dickerson and Nathaniel J. Cohen, Virginia Beach. Also included are Thomas C. Clark of Mifflinburg, Penn., and Cyrus E. Phillips of Columbus, Ohio.

In addition to the recent graduates, sixteen hopeful June graduates passed the bar examination. They are: F. Prince Butler, John R. Boberg, Halbert T. Dail, Mark S. Dray, James A. Evans, John H. Goodrich, Catherine D. Johnson, Alvin E. Marks, Jr., Frank M. Morton, Don L. Ricketts, Hughes K. Reveley, R. Garnette Saunders, William T. Shannon, Walter A. Smith, Wayne R. Spencer and Robert Edward Tomes.

The Marshall-Wythe students performed very well and certainly deserve the congratulations and the best wishes of the entire student body.

Delta Kappa and the participation of a law student as a representative in the undergraduate Student Association.

### Rob Elliott Chosen PAD District Head

Marshall-Wythe has been chosen by Districts XIII and XIV of Phi Alpha Delta Law Fraternity for the site of its 20th Annual Regional convolve.

Being chosen as the convolve host chapter is the top honor that can be bestowed by the region on an individual chapter.

Rob Elliott was chosen District Justice for the five state areas of Maryland, Virginia, West Virginia, North Carolina, South Carolina and the District of Columbia.

Joel DeBoe was elected Clerk for the region and Jim Swigart was elected District Treasurer.

Fifteen chapters and seven alumni chapters comprise the region. The regional officers report directly to national officers as to the handling of regional matters. The regional officers are the highest positions which can be held by students in Phi Alpha Delta.

Schools comprising the XIII and XIV districts include: The University of Maryland, Catholic University, Georgetown University, George Washington University, Howard University, American University, University of Virginia, Washington and Lee University, University of Richmond, College of William and Mary, Duke University, Wake Forest, University of North Carolina, University of South Carolina and the University of West Virginia.

### Student Bar Association

With the academic year having progressed to the mid-point of the second semester, student activities are being conducted with a greater degree of frequency. The degree of student support for these activities will not only determine success for this year but will have a direct bearing on their probable maintenance in the coming years. It is hoped that a brief preview of the scheduled events will better enable the students to make plans accordingly.

On March 26 the SBA presented a speaker's dinner which was followed by informal debate and discussion along the format established by the Wythe Society. Guest speakers included Vernon M. Gedy, Hyman B. Wax, Judge Donald E. Taylor and special guest

William Battle, a democratic candidate for governor of Virginia. Preceding this dinner was a cocktail party sponsored jointly by the SBA and Phi Delta Phi and Phi Alpha Delta legal fraternities.

On April 27, as an aspect of Law Day festivities, the Annual Barristers Ball will be held in the Virginia Room in the Williamsburg Lodge. Student representatives are presently selling tickets and everyone is encouraged to purchase their tickets at the earliest possible date.

With SBA elections scheduled for the second Tuesday in May, the Executive Committee would like to encourage all students to give serious consideration to probable candidates and to express any ideas that might improve the election procedure. Tentative plans have already been made to revise the present system in various aspects with