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How a Small Band of Students Saved the Law School

Roy William Arthur

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Judge Roy William Arthur of Wytheville, Virginia, (Class of '40), was one of a small band of law students who can be credited with the saving of William and Mary's Law School when it was nearly abolished by the Board of Visitors.

Written by Judge Arthur in the summer immediately following the story told herein, this account is his own personal record of the historic events which took place after the Board of Visitors' surprise announcement on May 28, 1939. He did not intend it for publication, but has graciously consented to its use here. (Editor's note.)

On May 28, 1939, it was announced in the Richmond Times-Dispatch and other newspapers that the William and Mary Law School was to be abolished.

We law students were in the middle of our exams and, needless to say, this announcement was quite a shock to us. That same afternoon (Sunday the 28th) we had to call a meeting of the entire student body in front of the historic old Wren Building to see what could be done about saving the oldest Law School in America - the second oldest in the English-speaking nations. I and several others talked to the students to sound out opinion on the matter. We were convinced that the overwhelming majority was in favor of retention of the school.

That same night Tim Hanson, Harold Gouldman, Bob Simpson, Ralph Baker, Jimmy Watkins, Jack Garrett, and myself went to Richmond to air our views before the Times-Dispatch. Next morning the following article appeared:

Shocked by the decision of the Board of Visitors of the College of William and Mary to discontinue the law school there after June, 1940, approximately 500 students in an impromptu mass meeting at the college yesterday called for a reconsideration by the board.

Campus leaders, in and out of the law school took the position that abandonment of the Marshall Wythe School of Jurisprudence, the first of its kind to be established in the country, would be a serious blow to the college and its ancient traditions.

"The whole action was arbitrary," spokesmen for a committee representing the mass meeting said here last night. "Neither the faculty of the academic school nor of the law school was consulted. So far, the explanations given of the board's action have been just words. We want to know the real reason and who is responsible for it. As the situation is now, we hardly know to whom to appeal."

The committee men said, however, that the petition adopted yesterday would be presented to President John Stewart Bryan today, with the request that the board be called in special session to reconsider its decision and give the students an opportunity to be heard publicly.

"We have been tried and condemned," as one of the law students put it, "without being granted an opportunity to be heard in our own defense."

Members of the committee which came to Richmond with the announcement of the mass student action included William Arthur of Wytheville, president of the Wythe Law Club; Jack Garrett of Richmond, president of the senior class; Ralph Baker of Newport News, Harold Gouldman, Dahlgren; Arthur Hanson, Bethesda, Md.; Robert Simpson, Arlington; and James Watkins, Emporia.

And so the fight went on. There were days of hope and days of despair.
This was only the beginning. We drew up a petition, obtaining the signatures of nearly every person in school. We sent letters to each member of the Board of Visitors. We went to see President Bryan, Charles Duke, Channin Hall, and received some encouragement. Ralph Baker and Lettie Armstead went to Newport News to see Homer L. Ferguson and Supreme Justice Spratley. Tim Hanson saw Miss Gabriella Page in Richmond, and Harold Gouldman saw Miss Lulu Metz in Front Royal.

All the while the state newspapers fought it out. Editorials flew thick and fast.

And so the fight went on. There were days of hope, days of despair. And all the while our exams progressed unabated. Several times we went into classrooms at 8 a.m. to take an exam after having hardly been to bed the night before. I recall one night I stayed at a professor’s home till nearly 3 a.m. mapping our plans. I had an exam under that same professor the next morning at 8 a.m. I hadn’t opened a book to study for a single minute. I barely managed to get by. All my school mates were having similar experiences.

Finally we managed to get another Board meeting called for Friday, June 2nd, at 11 a.m. I had been in the infirmary the day before but was determined to address the Board. One of the nights of our annual June Ball was to be that night. It would either be a scene of rejoicing or of sad dejection. Time would tell.

This article appeared in the Times-Dispatch on that historic morning:

A Richmond delegation of William and Mary alumni will join with alumni from Norfolk and Newport News today in requesting the Board of Visitors to rescind its recent decision to abolish the school of jurisprudence at the ancient institution at Williamsburg.

The board is scheduled to meet at the college this morning at 11 o’clock.

Oscar Lane Shewmake, local attorney, former member of the college board and former law teacher there, will act as spokesman for the Richmond group, which will include H. Lester Hooker, member of the State Corporation Commission; Dr. C. C. Coleman, nationally known brain specialist; J. D. Carnes Jr., Harry D. Wilkins Jr., president of the William and Mary Alumni Club of Richmond; Robert C. Harper, former president of the club, and Dr. Preston Green.

The Norfolk group, which will ask that the college law school be expanded rather than abolished, will include Robert M. Hughes Jr., Gordon E. Campbell, Miss Virginia Miser, the first woman to receive a law degree from the college since the school of jurisprudence was revived a few years ago; William G. Thompson and Joseph E. Healy, president of the Virginia Education Association.

Opposition to the decision of the Board of Visitors, which was taken last Saturday, has been particularly strong in Norfolk. Norfolk was one of the few cities of its size in the country without a college until William and Mary established a junior college there.

Editorially, the Ledger-Dispatch has been outspoken against the plan to abolish the law school in Williamsburg, while the Norfolk Virginian-Pilot, which at first thought the plan might possibly be a good one, said editorially yesterday that it was at least ‘debatable.’

It is quite possible that a special case can be made out in favor of continuing the William and Mary law school. A final judgment can well be suspended until all of the evidence is in. It should be the particular effort of the Board of Visitors – belated but extremely important - to bring into the open the entire argument pro and con. Up to the present it has succeeded in keeping these facts to itself.

The meeting started at 11 a.m. Ralph Baker and I spoke about 1 o’clock, and the Board adjourned at 1:30 for lunch. We came back about 2:30 and waited outside closed doors until 5:45, when Mr. Walter Mapp made the formal statement for the Board. It was...

“Gentlemen, the Board has rescinded its action of last week, and has decided not only to retain the Law School, but to strengthen it in every way.”

And so the fight was over. We had won.

The Board of Visitors of William and Mary, rescinding a previous vote to discontinue the law school, voted yesterday to continue and develop the school in keeping with the traditions and prestige of the college.

The decision - approved with one dissenting vote - was reached at a special session called after a number of alumni chapters and individual graduates and students had protested the discontinuance of the school. The dissenting vote was cast by J. Gordon Bohanan of Petersburg.

The board, after deciding May 27 to stop awarding degrees in law after the 1939-40 session, announced plans to merge the school of jurisprudence with the Marshall-Wythe school of government and citizenship.

Vice-Rector Mapp opened the all-day meeting yesterday morning with the statement that all interested individuals would be given an opportunity to be heard.

Needless to say there was much rejoicing and celebrating at the dance Friday night.

Oscar Lane Shewmake of Richmond, the first alumnus to be heard, said he expressed the sentiment of Richmond alumni in asking that the law school be retained. He said if the school were abolished because of duplication with other institutions in the State, the boards of various State schools would not know where to stop since duplication could be found throughout the higher education system of Virginia.

Were the school closed for economy's sake, not being self supporting, then the college itself would close, he asserted, since it receives annually about a quarter of a million dollars of support from the State. Results of the school's work, he added, cannot be measured in money, since the services of any one graduate of a number he named were worth more than it cost the State.

Mr. Shewmake predicted the college would lose in prestige if it lost the law school.

H. Lester Hooker, member of the State Corporation Commission, said law graduates of William and Mary were making names for themselves and the college. Mr. Hooker urged not only the retention of the law school, but its further development.

William Arthur of Wytheville, Ralph Baker of Newport News and Robert Simpson of Arlington, who said they were speaking for the students, all urged retention of the school. Alvin Gentry of Staunton and Robert M. Hughes of Norfolk also urged retention of the school.

Needless to say there was much rejoicing and celebrating at the dance that Friday night. We enjoyed Gene Krupa's music all the more. The same was true of Hal Kemp's band the next afternoon and night.

There was still one more item of business outstanding, however. That was a little matter of the Bar Exam. Suffice it to say that after three weeks studying under Mr. Woodbridge in Williamsburg, 12 of us went to Roanoke and took the exam. A month later we learned that one of the 12, 10 had passed! An excellent record. Thus ends the tale of the most eventful month in my life.