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College of William & Mary

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Students to the Rescue

Marshall-Wythe Would Be Ancient History If Not For The Efforts Of Some Rebellious Students

(The Marshall-Wythe School of Law is in the midst of celebrating its 200th anniversary this year, but if it had not been for some determined students in 1939, there might not have been any celebration. One of those students, the Honorable R. William Arthur '38, BCL '40, judge of the 27th Judicial Circuit in Virginia, tells in this article how those students were instrumental in defeating a Board of Visitors attempt to close down the law school. Judge Arthur wrote this article shortly after he graduated from law school, and it recently came to the attention of the Alumni Gazette.)

On May 28, 1939, the Richmond *Times Dispatch* and other newspapers announced that the William and Mary Law School would 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 a call meeting of the entire student body in front of historic old Wren Building to see what could be done about saving the oldest law school in America -- the second oldest in English speaking nations. I and several other students made talks to the students to sound out opinion on the matter. We were convinced that the overwhelming majority favored the retention of the school.

That night Tim Hanson, '39 B.A., '40 B.C.L., Harold Gouldman, '37 B.A., '40 B.C.L., Bob Simpson, '38 B.A., '40 B.C.L., Ralph Baker, '39 J.D., Jimmy Watkins, '38 B.A., '40 B.C.L., Jack Garrett, '40 B.A., and I went to Richmond to air our views to the *Times-Dispatch*. Next morning the following article appeared:

Richmond, Virginia: Monday, May 29, 1939--"Plan to Drop Law School Protested; Mass Meeting Held at W&M."

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 committeemen 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.

Charles Beale of The Hague, president of the student body, who was unable to make the trip, issued this formal statement:

"It is my personal and sincere belief that the disbanding of the law school at William and Mary will prove a great loss to our school. My belief, based on current student feeling, is that the school of jurisprudence is an integral part of this institution and should be continued."

Mr. Arthur emphasized the point that the mass meeting was in no sense a rebellious uprising, but a serious gathering of sober-minded students--they were called out by the tolling of the old college bell--to discuss a situation which he said they deplored with the utmost sincerity.

Other members of the volunteer committee took issue with the statement of college authorities that the law school was being discontinued to avoid duplication of the work of the law school at the University of Virginia, which, like William and Mary, is a State-supported school.

"If the duplication argument is valid," they said, "then the college might as well abandon its School of Education. Other State schools also specialize in the field of education."

The law school, they pointed out, is the only graduate school at William and Mary and consequently the only one which attracts mature students. There are 63 in the school now, five of whom are scheduled to receive their degrees this year. They said the school was recognized by the American Bar Association and became a member of the American Association of Law Schools in 1933.

Eleven of the law students will be up for graduation next year, but Mr. Arthur said they had no relish for the idea

of graduating from a defunct school. This year's freshmen, he added, had no hope at all, so far as William and Mary is concerned, unless the board rescinds its action.

The announcement of the discontinuance of the law school was made following a meeting of the board of visitors Saturday.

Mr. Bryan, who was at his home here last night, had no comment on the student petition.

Under the board's decision, instruction in the more technical fields of law will be discontinued and the School of Jurisprudence merged with the Marshall-Wythe School of Government and Citizenship.

Discussing the plan Saturday, Mr. Bryan said it was an "enlargement and not a narrowing of William and Mary's field of service. More young men will be influenced and I look confidently to a quickening of interest in statesmanship and public service, which is the avocation of great citizens."

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 Pres. Bryan, Charles Duke, Channing Hall, and received some encouragement. Ralph Baker '39 J.D., and Lettie Armistead '40, 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.

The *Times-Dispatch*, for instance, contended:

There is much to be said for the decision of the college board of visitors to remove this duplication from the State educational system. There is far too much overlapping among Virginia's entirely too numerous State institutions, and if it is impossible to reduce the number of such institutions, it ought to be possible at least to eliminate some of the duplication.

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. I hadn't opened a book to study for a single minute. I barely managed to get by. All my schoolmates 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 I 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* of that historic morning:

Richmond, Virginia: June 6, 1939--"More Alumni of W&M Protest Cut"

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 L. 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. Carneal 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. George 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 Mistr, 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.

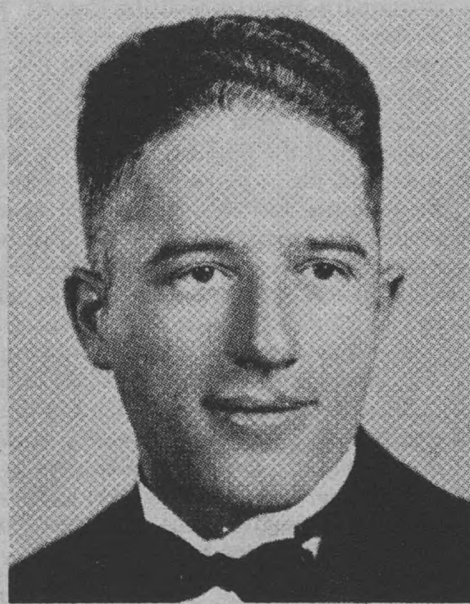
Editorially the *Ledger-Dispatch* has been outspoken against the plan to abolish the law school in Williamsburg,



Jack Garrett '40



Tim Hanson '39



Bob Simpson '38



Harold Gouldman '37



Law classes in 1939-40 were held in the old Marshall-Wythe Building, now called James Blair Hall.

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" . . .

Meanwhile the Norfolk alumni club adopted a resolution, to be filed with the board today, which says, in part: "Whereas the chair of law at the College of William and Mary is the second oldest in the English-speaking world and the oldest in the United States of America; and,

"Whereas, little emphasis has been placed on this department of the college in proportion to the amount of money expended within the last few years of its renaissance, and we feel that instead of abolishing it, it should be emphasized and developed to a standard worthy of its founder, Thomas Jefferson; its first professor, George Wythe, the masters of law the college has produced, among whom are Chief Justice John Marshall, and associate justices John Blair, Philip Barbour and Bushrod Washington, and Presidents James Monroe and John Tyler; and, "Whereas, many men who could have afforded to take law at the College of William and Mary would be financially unable to attend some other law school; . . .

"Now therefore, be it resolved that we disapprove the action of the board of visitors in abolishing the school of jurisprudence and urge the board of visitors to rescind such action and restore the school of jurisprudence at the College of William and Mary."

Under the board's decision, no more law degrees would be given at William and Mary after next June. The plan has aroused much opposition among current students as well as among alumni.

The board of managers of the General Alumni Association of the college will meet there tonight. Tomorrow will be observed as "Alumni Day" at the institution.

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 reached 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 following article appeared in the next morning's paper:

Richmond, Virginia: June 3, 1939--"Law School at W&M. To Be Kept, Developed; Visitors Board Reverses Itself Under Pressure"

WILLIAMSBURG, (AP)--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 Bohannon 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.

The board said then that it proposed to continue the teaching of the broad fundamentals of jurisprudence and constitutional law, but would discontinue awarding law degrees in view of the duplication of effort between the law schools of the University of Virginia and William and Mary. Both schools are State-supported.

There are five candidates for law degrees at the approaching commencement of the college, the first American institution to establish a chair of law.

The resolution adopted yesterday by a vote of 7 to 1 instructed the college president, Dr. John Stewart Bryan, "to take such steps in the securing of financial support and personnel as in his judgment are necessary to strengthen and develop the law school in keeping with past traditions and prestige."

Voting for the resolution were G. Walter Mapp of Accomac, vice-rector, who presided at the meeting; Miss Gabriella Page, Richmond; Channing M. Hall, Williamsburg; Homer L. Ferguson, Newport News; John Archer Wilson, Roanoke; A. H. Foreman, Norfolk, and A. Obici, Suffolk. Dr. Sidney B. Hall, State superintendent of public instruction, also was present, but as an ex-officio member of the board he votes only in case of a tie.

Resolution Adopted
The resolution adopted follows:

"Upon a hearing of committees from the alumni and the student body, and after extended reports by professors of the law department, it was resolved by the board of visitors of the College of William and Mary in Virginia that in view of the deep interest shown by those appearing in person and by memorial and upon the promise of

active aid from the alumni that the law department be continued:

"And to this end the board instructed the president to take such steps in the securing of financial support and personnel as in his judgment are necessary to strengthen and develop the law school in keeping with past traditions and prestige."

Delegations were present at the meeting from Norfolk, Newport News, Richmond and Williamsburg, as well as interested individuals from other points.

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 the 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 for 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.

Lee Ford of Newport News said it was "unthinkable" to abolish the school due to economy and duplication. He said freshmen were in college now who wanted to take law. The college, he added, served Eastern Virginia's 350,000 people and the law school here meant many could study law who could not otherwise afford to go to distant points.

T. H. Geddy of Newport News told the board he was willing to leave the matter in the hands of the board, and that if they decided the law school was best for the college he wanted it, but if not, he thought it should be dropped.

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.



Judge Arthur

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 little 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 of the 12, 10 had passed! An excellent record.

Here is the list of successful candidates:

Letitia Armistead '38 B.A., '40 B.C.L., Williamsburg; Roy William Arthur '38 B.A., '40 J.D., Wytheville; Kenneth G. Cumming, '39 B.A., Phoebus; J. B. T. T. Davies '38 B.A., '40 B.C.L., Arlington; Harold Moore Gouldman, Jr., '37 B.A., '40 B.C.L., Dahlgren; Philip Hairston Seawell, '37 B.A., '39 J.D., Newport News; Robert Lee Simpson, '38 B.A., '40 B.C.L., Arlington; James Binford Thompson, Jr. '37 B.A., '40 B.C.L., Portsmouth; James Michael Watkins '38 B.A., '40 B.C.L., Emporia; Robert J. Watkins '38, Jeff's.

Thus endeth the tale of the most eventful month in my life -- May 28, 1939 -- June 28, 1939.