Several hundred persons attended the 1965 Charter Day Conference of the College of William and Mary, sponsored this year by the Marshall-Wythe School of Law on February 12-13. The theme of the Conference was “The Rule of Law in the Anglo-American Tradition,” in observance of the 750th anniversary of Magna Carta.

Lewis F. Powell, Jr., president of the American Bar Association, delivered the annual Convocation address on February 13 concluding the Conference. Lord Harlech, retiring British ambassador to the United States, delivered the address at the February 12 banquet held jointly with the Virginia State Bar Association’s midwinter meeting in Williamsburg.

At the main session of the Conference held on the afternoon of February 12, papers were delivered by Sir Knox Cunningham, a member of the British bar and of Parliament; Professor Yale Kamisar of the Harvard Law School; and former Judge Thurman Arnold of Washington, D. C.

Kamisar and Arnold delivered papers prepared for the Virginia Magna Carta Commission. These papers, on “Right to Counsel” and “Trial by Jury,” will be published as part of the series of essays projected by the Commission for publication during the Magna Carta anniversary. The papers by Lord Harlech, Cunningham and Powell will be published in the annual Charter Day proceedings by the College.

The fundamental principle of Anglo-American law represented in the guarantee of a fair and impartial trial and the need to reconcile this with the

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PRESIDENT POWELL’S ADDRESS
(Continued from Page 1)

constitutional guarantee of freedom of the press was the theme of Powell's address. Powell stated the problem as follows:

Unstinted public criticism is one of the most effective checks upon abuse of power. But because of their effectiveness in moving people to act, the news media also has the capacity to make a fair trial impossible by the publication, without restraint, of certain types of information.

The question is how to preserve the essentials of a free press and also prevent publicity which is prejudicial to an accused person's right to a fair trial.

Citing the fiasco of the events following President Kennedy’s assassination, in which the competition of news media for fresh angles on the story and the zealous efforts of officials and attorneys to get into the spotlight of publicity, Powell commented: “Although that was a spectacular example of prejudicial pretrial publicity, it has become all too frequent throughout our nation.” On the other hand, he pointed out, “coercive measures to restrain prejudicial publicity raise serious constitutional questions.”

The ABA and the American Newspaper Publishers Association, he noted, both have committees which are studying the possible solution of what has become, in his phrase, a serious threat to the principle of fair public trial which developed from Magna Carta.

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Tax Conference Proceedings Available To Those Interested

The transcript of the Proceedings of the Tenth Annual Tax Conference held in Williamsburg on December 5, 1964, is being prepared for publication along the lines of the Proceedings of the Ninth Annual Conference, a copy of which was mailed to all alumni last May.

As last year, a copy of the Proceedings of the Tenth Annual Conference will be mailed to all alumni as well as all attorneys within the state; to all Virginia Certified Public Accountants; and to each of the 125 Law School Libraries throughout the country.

The funds required for the printing of these Proceedings have been contributed by a loyal alumnus of the College. Mailing will begin as soon as copies are received from the printer.
Alumni Association Meeting, Luncheon Set For May 1

The annual meeting of the William and Mary Law School Association is to be held on Saturday, May 1, in conjunction with the celebration of Law Day, U. S. A.

The business meeting of the Association will be conducted in Bryan Classroom “A”, formerly Bryan Lounge, at 10:30 a.m. Nominations for the officers of the Association to be elected at the business meeting have been submitted by the nominating committee and are set forth in the item below in this Newsletter. Other important business to be conducted includes consideration of publishing a new edition of the Alumni Directory, revised to include those who have graduated since the first Directory as well as more current data for the older members.

Following the business meeting, there will be a luncheon in the Ballroom of the Campus Center commencing at 12:30 p.m. Senator William B. Spong Jr., will be the principal speaker at the luncheon. Senator Spong received his preparatory education at Hampden-Sydney College and his legal education at the University of Virginia and the University of Edinburgh. He was a Lecturer in Law here at the College in 1948 and 1949; a member of the Virginia House of Delegates in 1954 and 1955; and has been a member of the State Senate since 1956.

At approximately 3:30 a reception will be held in honor of Senator Spong, jointly sponsored by the Student Bar Association and the Phi Alpha Delta legal fraternity, of which he is a member.

An independent announcement of the planned Law Day-Alumni Meeting activities in detail will be sent to the alumni in early April together with a reservations form.

Ten Additional Law Students Earn Second Semester Grants

Ten students have been awarded W. A. R. Goodwin scholarships for the second semester. Recipients were announced by Dean Joseph Curtis early in February.

Those attaining a 2.0 quality point average or better for their cumulative law work were: Austin J. Canning, Jr., Newport News; Cecil Jerry Franklin of Hampton; Raymond H. Kraftson of Williamsburg; Aldrich J. LaBell of Toano; Osborne F. Morgan, Jr. of Norfolk; Wayne D. O'Bryan of Richmond; Howard P. Schiff of Union, N. J.; Lloyd C. Sullivanberger of Williamsburg; Robert P. Wolfe of Williamsburg. The preceding are all first year students.

Gary M. Gleason of Westfield, Pa., a second year student, was the only new upperclassman to receive one of the grants. These students were in addition to those already holding similar scholarships.

Hollis Nominated As President Of Law School Association

Emeric Fischer, secretary-treasurer of the William and Mary Law School Association, has released the list of nominees for offices for the coming year. Nominated for president is John M. Hollis of Norfolk, for vice president, Marvin M. Murchison of Newport News, and for secretary-treasurer, Emeric Fischer of Williamsburg.

Nominees for vacancies on the board of directors are Ira B. Deuorkin of Flemington, N. J. and J. Edgar Pointer of Gloucester.

Dave Williams serves as chairman of the nominating committee.

Faculty Thanks Dr. Paschall

The following resolution was adopted by the faculty of the Marshall-Wythe School of Law in their meeting of February 18.

WHEREAS, Charter Day 1965 devoted its Conference and its Convocation to the 750th anniversary of Magna Carta in which commemorative exercises the Marshall-Wythe School of Law was granted the privilege of participating; and

WHEREAS, such participation is, and will be, most helpful to the Law School in added recognition and further advancement of its educational program;

THEREFORE, be it resolved that the faculty of the Marshall-Wythe School of Law does hereby express its deep appreciation to President Davis Y. Paschall whose untiring efforts contributed to the success of this event; and, whose demonstrated interest in the Law School made its participation possible.

ALUMNI NOTES

Thomas D. Terry, B.C.L. 1961, was appointed to the position of Assistant to the Commissioner of Internal Revenue, Washington on March 2, 1965.

Mr. Terry was awarded the A.B. degree by Princeton University in 1955 and his Master of Law and Taxation degree by the College of William and Mary in 1962. He served as Attorney in the Legislative and Regulations Division of the Office of the Chief Counsel for the Internal Revenue Service from July 2, 1962 to the date of his appointment as Assistant to the Commissioner.

David O. Williams, Jr., B. C. L., 1955, was named Tax Attorney, Chief Counsel’s Office, Bethlehem Steel Company, Bethlehem, Pa., on March 1, 1965. He was the first candidate to receive the Degree of Master of Law and Taxation under the tax program inaugurated by the Law School in 1954. The degree was awarded in June 1956.

Following his graduation he served as Attorney and Branch Chief in the Legislation and Regulations Division of the Chief Counsel’s Office of the Internal Revenue Service in Washington from July 1, 1956 to February 27, 1965. During 1962-63, he served as President of the Law School Alumni Association.
Dean Woodbridge Introduces Twelve New Bar Applicants

On Friday, March 5, Dean Emeritus Dudley W. Woodbridge introduced twelve Marshall-Wythe graduates who had passed the Virginia Bar examination in December or on prior occasions to the Supreme Court of Appeals of Virginia in Richmond. The areas in which they are presently in practice or intend to practice follow their names: Johnston Brendel, York County; A. J. Coffman, Jr., Hampton; Gregory U. Evans, Arlington; Richard C. Grizzard, Boykins; Carl Peter, Providence Forge; Donald R. Porter, Norfolk; R. Gordon Scott, Newport News; Wallace B. Smith, Virginia Beach; Stanley Sherwood, Newport News; Thomas Shields, Arlington; Constantine Spanoulis, Norfolk; and Avery Thomas, Newport News.

Other graduates who were successful on the December examination but were unable to attend the Richmond introductions include J. Arthur Bruno, Mary Catherine Holcomb, William A. C. Keller, Raymond H. Strople, William Sullivan, and Ronald Zedd.

Also successful on the December examination but still in residence in the completion of degree requirements are Paul Auster, Robert Bray, C. Lacey Compton, Jeffrey M. Graham, D. Barry Hill, Kevin K. Kent, John K. Meagher, and John Stephens. In all, twenty-four graduates and third-year students passed the examination given in December.

Five applicants were admitted to commence their law school in this spring semester. Partially filling the ranks of the eighteen who completed degree requirements in January are Bernard Allan Gill, Jr., B.S., Richmond Polytechnic Institute; William Ellsworth Kline, B.A., St. Johns College of Annapolis; Burke William Margulies, B.A., Old Dominion College; Robert Lee Simpson, Jr., A.B., William and Mary; and Jay Anthony Richardson, in the combined program.

Four Second Year Students Appointed To Law Review

The staff of the William and Mary Law Review was brought to thirteen by the announcement by editor Paul Auster of four new appointments to replace seniors who graduated in February.

Second year students named to the staff were: G. Curtis Overman of Newport News, Stanley Lee Morris of Williamsburg, Alfred David Swersky of Norfolk and Allen D. Zaleski of Newington, Connecticut.

Moving up to positions on the board vacated by February graduates were Jeffrey M. Graham of Roslyn, Long Island, N.Y., as Associate Editor; D. Barry Hill of Sudbury, Mass., as Articles Editor; James Tucker of Dublin as Case Note Editor; Miss Penelope L. Dalton of Pulaski as Current Decisions and Book Review Editor and Gus John James as Business Manager.

Mr. Whyte Guest Editorialist In Monthly Labor Publication

Professor James P. Whyte, who has handled labor arbitrations for many years, was featured as a guest editorialist in Issue No. 288 of Discipline and Grievances, published monthly by the National Foreman’s Institute.

Mr. Whyte is widely known for his contributions to various law reviews and decisions published in the Commerce Clearing House Labor Law Prentice-Hall and BNA Services. He serves the William and Mary Law Review as faculty advisor.

Mr. Whyte’s entry, entitled “Reflections of an Arbitrator,” summarized many situations where “patience and understanding” on the part of a foreman could have avoided the need for formal arbitration.

Two Outstanding Articles In Upcoming Law Review

Several format changes in the makeup of the William and Mary Law Review have been announced by its editor, Paul Auster.

The purpose of the changes, according to Auster, is to utilize the best aspects of format of the leading law reviews in order to obtain more publication space to devote to the many important legal issues of the day as well as to make the publication easier to use for those not readily familiar with its makeup.

The format changes, first employed in Volume 6, number 1, the recent December issue, include larger pages, more suitable type sizes and faces and standard page designations.

Auster expressed belief that Volume 6, number 1, containing several outside legal works as well as student writings on current cases and problems, was an example of the Review maintaining its standing as a scholarly legal publication as well as a forum for quality student work.

The lead article for the upcoming issue was announced previously. It will be Victor Gordon’s article, “Infant’s Liability for Revenue Service.” In addition, an article by Hon. Sheldon S. Cohen, Commissioner of the Internal Revenue Service, entitled, “Election of Tax-Free Intercorporate Dividends Under the Revenue Act of 1964,” will lead the tax section. This section will also contain articles dealing with recent developments in Federal and Virginia taxation.
Comments On Friday Sessions Of Charter Conference

Addresses by three visiting dignitaries highlighted the Friday afternoon sessions of the 1965 Charter Day Conference sponsored by the Law School. Mr. Whyte, who teaches the Constitutional and Criminal Law courses, was asked to comment briefly on the contents of each of the three lectures.

Sir Knox Cunningham, M.P., with good humor and a high degree of informativeness, described British Parliamentary democracy in action. Pointing out that under the British Constitution the government must bear collective responsibility for government action, Sir Knox stated that Ministers must face criticism and justify their work.

Part of each parliamentary day is devoted to questions for the Ministers, who are usually appointed from the membership of Commons and the House of Lords. In such sessions, Ministers must face their questioners unaided except for background preparation and quick wits.

Sir Knox further stated that while Parliament is often criticized, there is a prevailing spirit which tends to modify extremism where the House of Commons is itself concerned.

Thurman Arnold, former Yale law professor and former justice of the U.S. Court of Appeals, discussed the concept of fair trial in current American jurisprudence.

Stating that the American ideal of fair trial includes the premise of putting the accused on the same footing with the government, Arnold nonetheless argued that the ideal failed of realization in the Nuremburg trials and those instances following the McCarthy investigation where accused persons were not confronted by their accusers.

Yale Kamisar, visiting professor of law at Harvard University, decried the imbalance between police action in obtaining confessions in the absence of counsel and ideals professed in the courtroom.

According to Kamisar, in the police station it is presumed that the accused is guilty whereas in court the presumption is that the accused is innocent until proven guilty. He said that Escobedo v. Illinois made only one small step toward guaranteeing a fair trial for indigent persons.

Kamisar further maintained that indigent persons seldom know of their right to counsel until they have been questioned by the police, but failed to suggest what remedies, if any, should be used to solve the problem.
FACULTY ACTIVITIES

Dean Curtis has agreed to serve as a member of the Committee to study the establishment of a "Public Defender System and Related Matters" of the Virginia Advisory Legislative Council. He attended a meeting of the committee on February 3.

Mr. Wythe was moderator of a panel discussion entitled "Legal Aid" held by the Virginia Council of Social Welfare at a district meeting in Hampton on March 11. Members of the Newport News and Hampton Bar Associations served as panelists.

Mr. Wythe has arbitrated disputes for Allied Chemical Company and United Mine Workers at Hopewell on several occasions since November, and has also served as arbitrator for VEPCO and IBEW (International Brotherhood of Electrical Workers).

Mr. Stason will attend the annual meeting of the Educational Testing Service of Princeton, N.J. at the Greenbrier in White Sulphur Springs, W.Va. Discussion will center around the Law School Aptitude Test.

Mr. Phelps presided over a meeting of the "Committee on Legal Education and Admissions to the Bar" on February 12, held in connection with a meeting of the Virginia State Bar Association.

The committee, of which Mr. Phelps is chairman, is considering "educational preparation necessary for the practice of criminal law."

The 1964 supplements of Mr. Phelps's handbooks on Law and Equity Practice and Procedure and for "Divorce and Alimony in Virginia and West Virginia" have been published by the Michie Company of Charlottesville.

Dr. William F. Swindler addressed the interpretive staff of the Jamestown Foundation on the subject, "Magna Carta and its Heritage in American Law and Government," March 15.

Mr. Fischer, Instructor in Law and Tax Research Associate is participating actively in studies in the sales tax field, serving as technical advisor to the Special Sales Tax Study Committee of the Virginia State Chamber of Commerce, and as consultant in the preparation of the Sales Tax Ordinance recently adopted by the City of Williamsburg.

Mr. Fischer also addressed the Williamsburg Kiwanis Club on February 10, 1965, on the technical and theoretical aspects of sales tax legislation.

Dr. Atkeson attended the Mid-Winter meeting of the Tax Executive's Institute in Washington on March 7, 1965. As chairman of Special Sales Tax Study Committee of the Virginia State Chamber of Commerce, he met with his committee in Richmond on February 2, 1965, and launched a survey to determine the financial needs of Virginia's localities.

Short statements by Professors Joseph M. Cormack and James P. Whyte appeared at pages 462 and 515 of the Hearings on Federal Bail Bond Procedure before the Senate Subcommittee on Improvements in Judicial Machinery on the Committee on the Judiciary August 4th to 6th, 1964. Both sympathized with the efforts of the committee to alleviate the harshness and practical injustice of bail bond procedure; and Professor Cormack recommended that the committee also go into the closely allied injustice of the alternative between fine and imprisonment in punishment.

Law Library Receives Gift
For Purchase of New Books

Dr. J. Paul Kent, of Altavista, Virginia, has given the sum of $200 to the College for the purchase of law library books. Three immediate members of Dr. Kent's family are also members of the William and Mary family; Mrs. Kent, the former Eleanor A. Martin, A.B. '35; son James R. Kent, A.B. '61 and B.C.L. '64; and son Gordon M. Kent, presently enrolled in the Law School. A prior gift for law books was also made by the Kents in early 1964.

Dr. Kent's present gift is being used to acquire the six volume set on Personal Injury: Actions, Defenses, Damages, by Louis R. Frumer, enhancing the Library's collection on torts and medical-jurisprudence.

Law Review Article Featured
In New York Law Publication

The leading article in the December issue of the William and Mary Law Review, "The Termination of Non-Conforming Uses," by Marvin M. Moore of the University of Akron Law School, was featured on page 1 of the March 5 issue of the New York Law Journal.

The journal, "the official law paper for the first and second judicial departments" of New York, has a wide circulation among lawyers of the New York area.

Mr. Whyte, the law review faculty advisor, said he felt the reprinting of the article in a publication of this nature was a significant distinction for the law review.
Intramural Moot Court Set

First round arguments in the intramural moot court competition have been set for March 25, with briefs due March 20, according to Professor James P. Whyte, faculty advisor.

Final rounds will be held April 25. Members of next year’s national moot court team will be selected from the intramural contestants.

A judge for the final round has not been selected, but Mr. Whyte expressed hopes of securing a well-known area judge to preside.

Dorm Rooms Available to Law And Grad Students Next Year

The College of William and Mary has obtained the entire use of one and partial use of another of two buildings owned by the Department of Mental Hygiene and Hospitals near James Blair High School and which have formerly been used to house the nurses and staff of Eastern State Hospital.

Possession is expected to be turned over to the College by July 1, in time to adapt the buildings for dormitory utilization by the commencement of the new session in December.

President Davis Y. Paschall has announced that at least one floor of the building to be wholly used by the College will be made available for occupancy by approximately forty law students.

The housing at the newly acquired dormitory, James Blair Terrace, is at least the equal of any presently on campus. Facilities will include common kitchens, exceedingly well appointed, spacious lounges on each floor, and many other features far surpassing usual dormitory accommodations, but at lower than usual dormitory rates.

The other building will continue to house hospital nurses and will provide a limited number of

Sherwood Named To Post As Hampton Assistant City Attorney

Stanley C. Sherwood, a February, 1965 graduate of the Law School, has been named assistant city attorney of the city of Hampton, Virginia. The appointment was announced by City Attorney Thomas E. Glascok.

A native of Brooklyn, N.Y., Sherwood retired from the United States Air Force as a chief warrant officer in June, 1962 after 23 years of service. He holds a B.S. degree from the University of Maryland and a diplomate in correctional administration from George Washington University in addition to his law degree.

Married to the former Ruby Stenbak of Tacoma, Washington, Sherwood resides in Newport News.

Guest Lecturers Speak To Tax Administration Classes

Two guest lectures on appellate procedures in taxation have highlighted recent classes in Tax Administration and Procedure.

Internal Revenue Agent B. R. Freasier, Jr., of the Richmond District Director’s office covered the conference procedures through the District office level on December 18, 1964.

On January 8, 1965, William P. Crewe, Technical Advisor to the Chief Counsel for the Internal Revenue Service covered the procedures in the Appellate Division on their reference to and relationship with the Tax Court.

apartments for faculty, married law and other graduate students.

Although located approximately two miles away, a regularly scheduled College bus will be operated between James Blair Terrace and the main campus complex.
Barristers' Brides Entertain Law Faculty Wives

Wives of the law faculty were invited to attend the meeting of the Barristers' Brides held on March 11 at the home of Mrs. Franklin D. Hochholzer.

Following a brief business meeting, refreshments were served and the faculty wives familiarized with the Brides organization. The opportunity to meet with the students' wives in a more personal manner than that afforded by the more formal School functions was much appreciated.