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The Colonial Lawyer is published at the Marshall-Wythe School of Law of the College of William and Mary. The opinions expressed are those of the writers and do not necessarily reflect the position of the school.

# EDITORIALS

## AN INTRODUCTION

Welcome to *The Colonial Lawyer*. For those readers meeting it for the first time, perhaps a note of introduction is in order. First as a newspaper, and since 1969 as a magazine, the *Lawyer* has served Marshall-Wythe as a forum for student thought on the law school and the law. For the past year the *Lawyer* has been, as it were, "on vacation." Now it is back.

Diversity is the objective of the *Lawyer*, and the contents of this issue exemplify that goal. Two articles follow an environmental vein. The first, a guest article by Mr. Denis Brion, traces the development of the 1972 Federal Water Pollution Control Act Amendments. Mr. Brion, who this year joined the faculty of Marshall-Wythe, is the present president of the Virginia State Water Control Board, a body that has been unusually visible to the public eye this year because of its responsibility to investigate first the Kepone scandal and later the Great Chesapeake Bay Oil spill.

Also on the environmental side, John L. Carver, the Secretary-Treasurer of The Environmental Law Group at Marshall-Wythe and the editor-in-chief of that organization's publication *The Environmental Practice News*, examines the possibility of "Thermal Efficiency Standards For Buildings."

Three articles in this issue have in common a concern for the problems that arise when law attempts to deal with morality. Ingrid Hillinger considers the problems of "The Duty to Rescue," while R. Gregory Barton takes a fresh look at "The Morality of Suicide." Mark Horoschak, in his turn, contributes a study on "Positive Eugenics and the Law."

On a practical note, Kathleen Nixon's article: "Semi-Student Bargaining" delves into the timely issue of the rights of graduate teaching assistants and medical interns and residents to bargain collectively for higher pay.

Finally, on the lighter side, Jane Bedno finds poetry in the justice that defines women's "place" under the law.

We think you will find it interesting.

## CHANGES

With this issue, *The Colonial Lawyer* begins a new chapter in its history. While outwardly little changed from past issues, internally the *Lawyer* has undergone a

revolution in concept. Those of us most intimately concerned with the change view it with mixed emotions. We believe that it may be a great step forward for the publication, but our hopes are tempered by the knowledge that no such drastic reorganization should ever have been necessary.

There is an ennui in this school that sometimes threatens even the most viable organizations. Time and again those students attempting to organize some ambitious project for the benefit of the school at large find themselves hamstrung by the lack of support from their fellows. Be the effort a one-time speaker presentation or a continuing project such as the *Lawyer*, it is crippled by this disinterest.

In 1975 a staffing crisis nearly terminated *The Colonial Lawyer*. In an effort to save it, members of four special interest groups: The Environmental Law Group The Black American Law Students Association (BALSA), The Mary and William Society and The International Law Society joined to serve as the *Lawyer's* staff. Consequently, this magazine is now operated under an agreement that allows these groups to use it as their voice and as a vehicle for articles concerning their particular spheres of interest.

This is not to say that *The Colonial Lawyer* does not remain a basically independent publication. Essentially there is now a *quid pro quo* arrangement whereby these groups will provide active support for the *Lawyer* in return for an opportunity to express their views through it. Otherwise the magazine's content is determined by its editor and staff who may not necessarily be affiliated with any of these groups.

We feel that, through service as a voice of these interest groups at Marshall-Wythe, *The Colonial Lawyer* is embarking upon a new path of service. Nevertheless, we cannot but be saddened by the knowledge that it was not a voluntary decision that led to this move, but rather an effort of desperation to save the *Lawyer* from dying of indifference.

The virtue of a magazine like the *Lawyer* is that it serves as a forum for many diverse themes and forms of expression. Neither day-to-day topicality nor stringent technicality need restrict its format. For the reader, perhaps more than any other law school publication a magazine serves as a window into the thoughts of his fellow students. We of *The Colonial Lawyer* staff hope that our publication's "vacations" are over and that, in the future, the student body of Marshall-Wythe will support it and wield it as a valuable tool of expression.

—Terry N. Grinnalds

#### THE DEMISE OF ACTIVISM: BAD NEWS FOR THE ENVIRONMENT

Unheralded, unannounced, and without warning, events have transpired which bode ill for the future of the campaign for a quality environment for America. Subtle subjective indicators lead to the conclusion that the

environmental movement is in danger of foundering.

It is becoming increasingly apparent that environmental enthusiasm has abated. In the early days of the "new environmental awareness," groups proliferated. It was "in" and fashionable to talk about the environment. People who did not know what "environment" meant flocked to the "Earth Day" demonstrations. There was an environmental frenzy which promised not only new legislation, but also attitudinal changes among the public at large. During this period, the concern with the quality of life seemed to blossom, and the environmental movement had basically a positive image.

Today, however, it is not "in" to be environmentally active. The zealous emotionalism of earlier days (which may have led to some abuses by conservationists) has been supplanted by "ho hum" establishment procedures for the protection of the environment. Today those not working through establishment channels are suspect and, by-in-large, are cast in a negative light. The remaining activists are considered radical rabble-rousers who lie in wait to oppose any or everything.

The large industrial polluters, who were the villains in the early days of the environmental crusade, have successfully changed their images. Currently in all forms of media, we see a succession of advertisements which remind the American public what Exxon, General Motors, or some other corporate giant is doing to protect the environment. Power companies, oil companies and others have successfully portrayed environmental activists as being anti-affluence, anti-American (the American ethic is based on growth), and anti-progress. The miseries of the recent recession are even portrayed as evidence of the danger of environmental negativism! This coup by industrial, expansionist, "anti-environmental" forces is now driving activism to near extinction.

What remains after activism has lost its popularity are those of us who continue to fight the long tedious legal battles against almost insurmountable odds. The corporate forces now command legions of highly paid and experienced environmental (or anti-environmental?) attorneys. These same corporate forces support a huge, well-financed lobby and public relations campaign. Through such efforts, the "anti-environmentalists" have either neutralized public opinion or have swung it to their side. At best today one can hope that the public is only apathetic.

In the face of all this Madison Avenue professionalism, the uncoordinated, ill-financed forces of the environmentalists have little spirit or morale left. Activism is dying, and the environmental movement is foundering. Activism must not die. Those who in these times doggedly wage unpopular battles recognize that, while activism has its excesses and is sometimes even counter-productive, its spark is what keeps the environmental movement vital.

—John L. Carver