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# Advocate

Vol. 6 NO. 4 UNIVERSITY OF GEORGIA SCHOOL OF LAW, ATHENS, GEORGIA SPRING

## Students Begin Prosecuting For D. A. Next Year

The Dean's Office has announced the formation of a prosecutorial assistance program, to be offered beginning next fall, 1970. The operation of the program will be similar to that of the Legal Aid and Defender Society, with students being given actual responsibility for the handling of cases in the courtroom. Academic credit will be awarded for participation.

Assistant Dean John Murray stated that the Law School has made efforts to establish such a program over the past several years. Also, both the District

Attorney for the Western Judicial District of Georgia and the Athens City Solicitor have been anxious to see such a program initiated, at least partially due to the increased burden which the activities of the Legal Aid Society have placed on them.

Robert Peckham, Director of Legal Aid, explained that work on committal and bind-over hearings will receive primary emphasis as the program begins. Students will also, however, participate in investigatory work and observe law enforcement pro-

cedures first hand. It is anticipated that a full time director will be hired for the program who might possibly serve as Assistant District Attorney as well.

The Law School has applied to the Council on Legal Education for Professional Responsibility (CLEPR) for a grant to help fund the program. The money would be used to pay the director's salary, secure office space, and provide secretarial services.

Legal authority for such prosecutorial assistance programs was provided in a bill passed by the past session of the State Legislature. The bill, drafted by John Hines, a third-year law student, permits city and state prosecutors to rely on the assistance of law students in conducting criminal proceedings.

## LSCRRRC Recruit Blacks

Students at Georgia Law School, under the aegis of the Law Students Civil Rights Research Council (LSCRRRC), are preparing to undertake a pilot program aimed at introducing Black college students throughout the state of Georgia to the opportunities available for obtaining a legal education. The program hopes to interest Black undergraduates in the legal profession in general and in legal education at the University of Georgia in particular. The LSCRRRC members have scheduled a series of presentations at Black Colleges throughout the state and plan to finish with a program of seminars at the Lumpkin Law School on a Saturday in April.

with over 100 Black undergraduates from throughout the South.

Continued on Page 8



LAW SCHOOL VARSITY GIRL WATCHERS TEAM BEGIN PRACTICE

### CRISIS - HIT AND RUN AT THE LAW SCHOOL

Crisis has passed, and hopefully will not revisit the law school. A growing feeling that University Provost, Dr. S. W. Pelletier, was inappropriately exercising his authority climaxed in early April when Pelletier refused to approve tenure to a law professor recommended by Dean Cowen and the law school faculty. The issue might still be dormant but for a letter sent on 5 April by the managing board of the Georgia Law Review to University System Chancellor George Simpson. The letter called on the Board of Regents to investigate Pelletier's "heavy handed tactics" in approving promotions and appointments of law professors, asserting that he "has assumed dictatorial powers, destroying the integrity of formerly autonomous institutions."

In the midst of the turmoil were rumors of the law faculty looking elsewhere for teaching positions, the law student body, meeting to hear Student Bar Association President Oscar Cook explain the events, and finally a statement from Dean Cowen that he had assurance from President Davison that the problem would be worked out internally.

In attempting to represent the law student body, the SBA Board of Governors arranged to inform President Davison that the students are carefully watching his actions and waiting to see the results. The SBA stated that the law student body would be satisfied only if the Dean and faculty are, and that this satisfaction must be achieved within a reasonable time, after which the student body would take further unified action.

The Advocate considers the alumni to be an integral part of the law school, whose concern is continuing. The implications of the crisis, now subsided, are important to us all. The support of you as alumni and your endorsement of the Dean and law faculty, will enable the law school



SPROUSE



HARRISON

# Miami Wins Region

The University of Georgia participated in the 1970 Philip C. Jessup International Law Moot Court Competition. Samford University at Birmingham, Alabama hosted the Southeastern regional competition March 20 and 21 in which the Georgia team placed second. In the regional contest the Georgia team met teams from the Emory, Vanderbilt, Tulane, Loyola, Miami and Samford law schools.

Miami, the regional winner will go to New York for the final competition April 26. There the winners of this region will face winning teams from the other seven regions which cover not only the United States and Canada but include as well France and South American countries.

The 1970 competition problem involves a hypothetical case in which a small Latin American

state nationalizes a Canadian oil company that is in large part owned by a United States corporation. In response the United States terminates aid to and sugar quota imports from the nation and blocks the assets of the nationalizing state and of its citizens in the United States. The case is argued as if it were before the International Court of Justice to determine whether either state is internationally responsible to the other.

The Georgia International Moot Court Team is jointly sponsored by the Georgia Moot Court Board and the Georgia Society of International and Comparative Law. Team members for 1970 are: J. L. Edmondson, Gary F. Eubanks, D. Landrum Harrison, James E. McDonald, Jr., Jr. Edward Sprouse and W. Brooks Stillwell.

to recover from this attack and continue with the task of pro-

viding a superior legal education.

## GEORGIA

# Advocate

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## ELECTION SPECIAL SUPPLEMENT

# Gubernatorial Candidates Interviewed

This begins the series of ADVOCATE interviews with the candidates for Governor of the State of Georgia. The interviews were conducted by members of the ADVOCATE staff. The order of the interviews represents no preference, but only the process of gaining the interviews. The candidates not interviewed for this issue will be interviewed for the Summer issue of the ADVOCATE.

The candidates were asked to consider five main areas: 1. Ed-

ucation and racial integration in the State; 2. The future of small towns in Georgia; 3. Conservation and use of natural resources; 4. Organized crime; and 5. The effect of the 1966 gubernatorial election which was ultimately decided in the Georgia House of Representatives. Some candidates may also have made other comments. We do not purport to give exact quotes of each candidates answer, but only a paraphrase which does his response justice.

## SANDERS: Pragmatic Politics

1. The function of education is to instill the desire of learning. Education should not be a vehicle for social change. But out of the educational system as a whole will come great change.

What can the governor do? He is the chief of the legislature, the party, and the Senate. As such it is his role in part to act as innovator and motivator.

A crisis in education similar to that in Atlanta could have been handled as was reappointment during my term, Sanders commented. We had a problem, and we discharged our responsibilities before we got totally and completely under the federal courts. Reapportionment was a bitter traumatic court battle, as is this desegregation business. The decision here was ours as before it was ours. We could do it or the federal court would do it.

Through vigorous work we could have kept the initiative in the hands of the State. Now the question is how long will it take and what quality of result will we achieve. No matter how bitter or distasteful it may have been we should have kept the initiative at the state level.

2. "We must provide small cities and communities with the tools to compete. Planning and access to highways and roads is

an integral part of this, especially accesses to the interstate system."

These are the best and most practical ways state government can help.

3. The Water Quality Control Act which is recognized nationwide, has his full support. I believe we have assumed many new responsibilities in this area. We must develop "peaceful coexistence between environment and industrialization."

4. Atlanta crime is a greater community problem than ever before. Atlanta would be a real plum for organized crime.

At the present time, legalizing parimutuel betting would not pro-



CARL SANDERS

duce enough money to have an effect on the financial needs of the state. Florida, for example, has a greater number of tourists than does Georgia, and benefits financially from gambling.

Such a step would attract the undesirable elements associated with organized crime and mafia-types.

5. Georgia politics is very unpredictable. Georgia's people have voted on individuals more than labels. However, Wallace's carrying the state in 1968 does not equate Georgia politics with Alabama's or Mississippi's, nor does it indicate that we are getting a backlash.

Wallace was looked upon as the most acceptable under the circumstances.

Sanders feels he is capable and will try to move the state and the people in the direction of the day in which we live. His method will be realistically progressive, practical pragmatic politics.

6. In answer to queries about the open housing question and problems, Mr. Sanders, flatly stated "it is the law of the land."

## Law Day

Law Day 1970 is to be observed at the University of Georgia on Friday and Saturday, May 1 and 2. The featured speaker for Saturday will be the Honorable Walter Pettus Gewin, Judge, United States Court of Appeals for the Fifth Judicial Circuit.

Registration will be at 1:00 p.m. on Friday and the Moot Court Finals begin that day at 3:00 p.m. An alumni-student social hour will be held at 6:00 p.m. Friday at the Georgian Hotel (tickets \$3.00 per person), The Law School Association Annual Luncheon will be on Saturday at 12:30 p.m. at Poss' Lakeview (tickets \$5.00 per person).

# CARTER: Long Range Planning

1. The education of the people of Georgia is the single most important factor in the development of this State. Georgia people at the local level have become disgusted with racial disputes provoked by the federal government at the expense of our young citizens and Georgia's future.

I do not like and greatly resent recent special legislation and court rulings when not enforced equally in the rest of this nation.

In Georgia there are 193 independent school systems with different problems, but falling within three general categories:

First, you have the rural system. The community has heterogeneous housing, and social integration of various factors. These schools are already integrated in compliance with court orders. There was neither disruption nor violence in most of these situations.

The second category is the metropolitan area, which is characterized by homogeneous neighborhood housing patterns, with overlap and mobility only in the outer fringe areas. The housing codes which enforced segregation have largely been abolished, but there is still economic deprivation preventing full upward and outward mobility. The courts have taken it on themselves to end the economically dictated dual systems in these areas. The 5th Circuit Court, for example, has attempted a solution through the assignment of teachers based on race. In Atlanta the court set ratio of 53-47 was applied disruptively in mid-year. The neighborhood school has been permitted to remain and no jurisdiction has required bussing. The teacher integration has been viewed as a general solution by some. Schools in this category have hopefully passed the period of crisis.

The third category has a heterogeneous housing pattern with

a majority of the blacks in the state as part of the population of these counties. These are the school systems now submitting plans for court approval. There is a heavy movement of more affluent white students into private schools. These students and their parents have a right to choose to pay taxes and private school tuition.

The problems in these systems involve the increased concentration of blacks in public schools and the academic quality that can be attained in the private schools. It is the responsibility of the governor to provide excellence in public education, and in the private schools it is local people who are the one's best able to meet their own needs.

As far as the court orders and legal controversy go, I believe that the overwhelming inclination of Georgia people is to comply with the law.

2. Small cities in Georgia face special problems and have special advantages. A recent Gallup pole showed that 56% of our people would prefer to live in a rural area, 19% in cities, and a little over 20% in the suburbs.

Small cities need industry, highways, airports, vocational education facilities, and junior colleges.

The present tax structure places disadvantages and extra burdens on small towns, and the lack of adequate tax sharing leads to less fully equipped schools, and hospitals in smaller cities.

3. One of the driving forces in desire for rural environment is pollution in the cities. There are those who recommend adding a special addition to the 140 existing state bureaucracies. This would not solve any problems--all it would do is create a false sense of complacency. One more self-perpetuating agency would have no authority over other departments of government. The fact is that every



**JIMMY CARTER**

department in State government is concerned with environment. I will foster an involved integration of people and agencies in solving this problem.

4. There has been a substantial influx of organized crime into this state, especially in Atlanta and North Georgia where professional auto theft rings operate. Organized crime flourishes on prostitution, drugs, liquor, auto theft, and gambling on sports. The means of control projects itself from the causes. I would coordinate the efforts of law enforcement officials on state, local, and national levels. The quality of the GBI should be improved and our police academy expanded. The governor and mayors should work hand in hand with local people to lower our crime rate.

5. Georgia people, urban and rural, black and white, need a vision of what their future could be--in ten years and beyond. We have a basic need in this State for long range planning. We need departmental and cross country consolidation of efforts.

In the Democratic Party we need to return control to Georgia democrats and we need to give the average Georgian a voice in his government. Further the Georgia people never again want to see high office used for personal gain, as has happened in the past.

6. Open housing is not an issue today. Federal law is clear, the old codes are no longer applicable.

# BENTLEY: Emphasis On Education

1. The real crisis in education may be next September. Hopefully then, the Agnew Commission will do what Nixon has said, and the courts will take cognizance of the situation and problems in the South.

People should be allowed to go to school where they want. Under what is called the New York Plan, you cannot prohibit a person from attending school he wants because of race, color, or creed, and as that plan has been amended, nor can you force a person out of a school for these reasons. This approach to education could reasonably be applied in Georgia.

To correct even the fact that Negro students have not been given a fair shake in schools, we need to put emphasis on the quality of education where the children are. The new balance on the Supreme Court will be in this direction.

Education in Georgia today is inadequate and is the biggest "sacred cow" in the state. The present high school programs assume that everyone is going to college, yet only 20% do go on to college and that might be too many. The real need in education is to quit stigmatizing this 80% and give them career education. The high school curriculum at present is boring to much of this 80%, and the cramming of all students into a college preparatory program creates dropouts.

We must not leave career training to the vocational schools which are stigmatized already. We can begin this training by evaluation of students in grammar school and continue it in high school.

2. We have not yet put forth an aggressive attitude to get industry into Georgia and there is nothing to keep young people in the small towns. The Department of Industry and Trade is a catch-all political agency. We have not geared this department

to the responsibility of coordinating an industrial recruitment program for the state.

We must also consider education; many industries do not come to Georgia because we do not have an educated labor supply. To be attractive, we must have educated people to work. Our educational program can be tied directly into industrial development.

3. The present authority at State and Federal levels which have already identified pollution as a major problem is impressive. The next step is finding a cure. Fortunately, Georgia is not a Los Angeles, a New York or a Lake Erie. We need to use the facilities we have and give tougher support to our agencies. Since President Nixon has made pollution a priority issue, funds probably will be made available for it. We should also make sure that new industries coming into Georgia are clean.

A pet gripe is junk auto lots. The state could work with local communities or civic organizations to finance mobile units to crush the cars and do away with the junk yards. Where



JIMMY BENTLEY

combustable garbage is a problem there now are incinerators costing around \$25,000 which give off only steam. This could solve disposal problems for many communities.

4. We should be grateful that we do not have active organized crime in Georgia and we should not create any incentives for it to come into the state. Auto theft in the state is a problem and is the closest we have to syndicated crime, but it still is not mafia-type. A weakness of society today is the ease with which we become reconciled to problems, e. g. theft, divorce and even narcotics.

We need a statewide criminal intelligence bureau to support law enforcement officers. This would give needed technical aid and would be able to computerize criminal information.

This approach would create an attitude of firm discipline and solid behavior. And only if this attitude is prevalent and after consideration of the circumstances would it be realistic to consider approval of a legislative proposal to allow pari-mutuel betting.

5. The 1966 election showed evidence of a highly volatile situation in Georgia politics.

6. Prison Reform: We could improve our prisons, if as Gov. Maddox suggests, we had a better class of prisoners. Instead of prisoners learning more about crime, we could train and educate our prisoner. With this means of rehabilitation, i. e. vocational training, we could turn more people out of prison and have a more secure feeling about it.

We should give more attention to the mental health of inmates and could do more with our first offender law. We could give the first offender another chance, perhaps conditioned on his participation in an adult education course.

# SUIT: Rural Regeneration

1. Mr. Suit believes in a neighborhood school system, attended by choice. Schooling, particularly before college, is more than just the exchange of ideas between the teacher and the pupil. There are also the relationships of parent-teacher, and pupil-pupil. These are evidenced by such activities as sports, music groups, and PTA. If children have to go to school 10-15 miles from their homes their overall development, thus their education, will be impaired. Mr. Suit believes that it is unfair for society to impose the burden of commuting 2 or 3 hours per day on a child by imposing a system of "bussing".

There are major problems facing the school system in the state. First is that of financing, which is particularly acute in the less wealthy counties which cannot sufficiently raise ad valorem taxes to improve the quality of education. Second is that the money presently spent by school systems does not always go to the greatest need. Third is that many of the recently organized private schools do not have curriculum with the strength to get their graduates in good universities in the South or the nation. But rather than having state regulation of these private schools, standards should be set by the Southern Association of High Schools and Colleges.

2. Even though the Department of Industry and Trade will show high figures for the increase of industry in the state, Georgia is still not attracting enough industry. In the state as a whole we are retaining most of our good talent, but we have a new problem with our smaller communities. After receiving an education many students from these communities look elsewhere for career opportunities. We cannot concentrate all our energies on the urban centers, we must make the rural communities as viable as possible.

These communities could be helped in two ways. To attract industry to these areas the state could establish regional complexes for vocational training, and thus guarantee qualified employees to fill the new jobs. Also, we must find a means for leaving some local taxes in local areas to help the small communities.

Generally, the problems can no longer be isolated as to what happens only to the urban or to the rural area. The effects of either one are too far reaching. For example, with Lockheed in Marietta and a new Atlanta area air center, the whole state would reap the benefits of the prosperity from the increased trade.

3. It is important that we preserve Georgia's marsh lands and some natural lands. If industry does not voluntarily regulate its pollution then we will need strict legislative acts. We could tax the pollutant manufacturers, but the burden would be shifted in cost to the consumer. Hopefully, adequate research will be done by these corporations. The Federal Government already has moved to regulate automobiles, the pollution from which contributes



Photo By Bob Novit

60% of that in Georgia's air. Because almost half of the water pollution in state streams comes from individuals, regulation will be most difficult.

4. Facts based on a two-year study with WSB show that organized crime is in Atlanta. The study found Internal Revenue Service estimates that \$300 million is bet each year in metropolitan Atlanta, and Georgia gets no revenue from this.

Before seriously considering legalizing parimutuel betting, two questions would have to be examined. One, how fast would organized crime move into the area, and would it be worse than it is at present? The WSB study also found that there are six major lottery "books" in Atlanta worth \$3 million each and that Atlanta is the largest "lay-off" gambling center in the United States. Two, would the money spent be from native Georgians or from tourists? In a state such as Florida which has large numbers of tourists who gamble, it might be easier to justify its legalization.

5. In 1966 Maddox met the people, and every candidate recognizes this. However, the 1968 election is more important for Mr. Suit and the Republicans. There, Georgians went to the American Independents, which was a definite break from the Democrats. In 1970 there probably will be more willingness to go all the way to the Republicans.

## 6. Miscellaneous -

A. We need major changes in our penal system. We must return people to society after they have paid their debt to society; but at present young offenders are being trained into professionals during their time in prison.

B. Mr. Suit says he is scared of a guaranteed-income for anything. If income is guaranteed we will never get some people to become productive citizens. Yet we need welfare. An affluent society has to take care of the people who cannot take care of themselves.



SIBLEY LECTURER (center) ANSWERS QUESTIONS

## Petro Considers Economic Power

"Economic power is in all ways good and wholesome". Professor Sylvester Petro, Professor of Law at the New York University School of Law appeared as the Spring Quarter John A. Sibley Lecturer Thursday, March 26, before an audience of about 125, which included at least 30 law students. Petro, in his address, deplored "the myth" that big business is harmful and should be regulated through "restrictive legislation" such as the interstate commerce act.

Described as "an old dinosaur" and a "disappearing relic from the past" by liberals, Petro returned the compliment by describing such liberals as John Galbraith as "witches". Professor Petro received his AB and JD degrees from the University of Chicago, and his LL.M. from the University of Michigan. He was admitted to the Illinois Bar in 1945, and engaged in the private practice of law in Chicago from 1945 to 1949. In 1950, he joined the faculty of the New York University School of Law as an assistant professor. In 1956 he was promoted to full professor.

His principal books are "The Labor Policy of the Free Society" (1957), "How the NLRB Repealed Taft-Hartley" (1958) and "The Kingsport Strike" (1967). He served as a lecturer in Public

law at the University of Rome in 1953-54.

Petro's underlying theme is summarized by his statement "Since the earliest days of populism, public opinion has distrusted, and even hated big business." He argued that this fear is unfounded and is based on "ignorance", "confusion of thought" and "superstition." To prove these assertions, Petro attempted to belittle the ability of big business to "impose its will upon the public through the use of economic power." He called economic power "a mouse" which had labored and brought forth a "mountain of restrictive legislation."

Petro delved into the conceptual complexity of power itself. Said he, "Power is the capability of affecting reality." He then attempted to distinguish between economic power and political power. He said that economic and political power is founded in opinion. Political power is exemplified by Napoleon's subjugation of Spain because the greater opinion of the French army to conquer overcame the weaker opinion of the Spanish people to keep him out. Another example he gave was the imposition of the government's opinion on non-consenting minorities. He said, "Specific nature of government is force

to compel dissenting minorities to behave themselves."

On the other hand, Petro argued, "No businessman may compel dissenting minorities to deal with him." He rejected the argument that big business could impose its will on that of the consumer through advertising. The basic message of advertising is "Buy me". "What could be more harmless than that?" asked Petro.

Petro denied that the wealthy could effectively impose their will on the people. The ideological diversity of the wealthy neutralized their power, for every H. L. Hunt there is a Kennedy or a Rockefeller. He concluded that economic power is not convertible into a political power.

Dean Lindsey Cowen summarized Professor Petro's remarks by quoting cartoonist Al Capp, "What's good for General Bullmoose, is good for the U. S. A." Petro bobbed his head in approval.

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## J D Degree

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The original deadline of December 31, 1969 for application for the J. D. Degree has been extended indefinitely.

All alumni who hold the Bachelor of Laws degree from the University of Georgia School of Law are entitled to apply for and receive the degree of Juris Doctor.

Alumni are asked to contact Mr. John Corry at the law school for the application form. The cost of the degree itself is \$25, payable to the University of Georgia Law School Association.

With the nationwide trend of law schools awarding the J. D. degree, many of you who have Bachelor of Laws degrees will opt to hold the new degree. You are encouraged to request an application as soon as possible.

# Black Students To View Law School

Why the concern over Black recruitment for the law schools? Statistics show that from more than 300,000 lawyers currently practicing in the U. S., approximately 1% are Blacks. In twenty Southern law schools, whose enrollment is 7300 students, only 52, or less than 1%, are black.

The picture emerging from the Atlanta conference and from the planning of the LSCRRC members explains in part the reason for the nominal participation of Blacks in the legal profession. The main barriers to entry of Blacks into the legal profession seem to be: 1) traditional entrance requirements at law schools and 2) inadequate finances. A variety of approaches is being tried to overcome these barriers.

The most successful of the programs to place Blacks into

law schools is the one sponsored by the Council on Legal Education Opportunity (CLEO), whose main offices are in Atlanta. CLEO has been in existence just over two years, operating under the sponsorship of the American Bar Association and the American Association of Law Schools; funding is primarily by government and by private foundations.

CLEO operates some twenty summer institutes at various law schools in which selected candidates are given preparation in the basic skills needed for success in law school. CLEO then certifies its graduates as candidates for admission to law school. Many law schools today accept the CLEO endorsement in lieu of the traditional requirements of LSAT scores and achievement in undergradu-

ate school. Once a CLEO graduate has gained admission to a law school, CLEO provides marginal funds for living expenses, on the condition that the law school waive the customary tuition requirement.

The University of Georgia School of Law currently has no program that solves both the problem of admissions requirements and inadequacy of funds. While the summer trial program does give to students who fail to meet the traditional requirements for admission a chance to enter the regular program in the fall, there are no scholarship funds available to defray the expenses of attending school. The only avenue of approach which solves both problems for the Black student wishing to attend the University of Georgia Law School remains to be CLEO.

Moreover, in the case of the University of Georgia Law School, the CLEO program has had to be supplemented by funds from the NAACP Legal Defense Fund due to the unwillingness of the Board of Regents to allow waiver of tuition for CLEO certified applicants. According to Dean Cowen, the source of funds through CLEO and the NAACP is adequate to meet the needs of any foreseeable influx of Black students from the CLEO program.

## Scholarship Winners Announced

Francis Kenneth Wolfe III, Frank Samuel McGaughey II, and William Marion Poole are the 1970 recipients of the Law School's most prestigious scholarship awards. All three will enter the Law School in the Fall Quarter, 1970. Francis Wolfe, Hughes-Spalding Scholar, a native of Atlanta, will receive a B. A. degree in History from Yale. Frank McGaughey, Vassar-Woolley Scholar, also of Atlanta, will receive his B. A. degree in History from the University of North Carolina. William Poole, Vassar-Woolley Scholar from Milledgeville, will graduate from the United States Military Academy at West Point.

The scholarship competition is open to entering students and first and second-year students already enrolled in the Law School. Granting \$2,500 per year, these scholarships are designed to defray the entire cost of the legal education to their recipients.

Interviews were held by the Se-

lection Committee on February 28, 1970. Interviewers were Dean Cowen, John Moore, Vassar-Woolley Trustee and Atlanta attorney; Fred Stowers, Class of '65; Alex Branch, Class of '67; and Howard Turner, Class of '68. Branch and Turner are the first and second editors, respectively, of the Georgia Law Review.

UNIVERSITY OF GEORGIA SCHOOL OF LAW  
ATHENS, GEORGIA

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