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FALL 1971

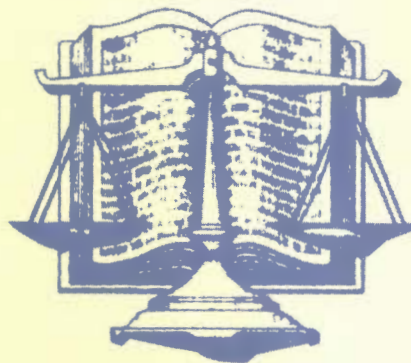
UNIVERSITY of GEORGIA  
SCHOOL of LAW



ADVOCATE

GEORGIA





## GEORGIA ADVOCATE

FALL 1971

VOL. 8, NO. 1

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The *ADVOCATE* wishes first to thank The Honorable Jefferson L. Davis for his provocative contribution to this issue. Secondly, this editor wishes to express his appreciation to Mr. L. Woodrow Cone for his valuable advice and assistance in the preparation of the article on admissions. Finally, to Mr. M. McNeill Holloway a special word of gratitude is in order for his pen and ink drawing of Harold Hirsch Hall which appears on our cover.

To the Law School Alumni and friends for whom this publication is intended we hope that you enjoy this issue and ask that you please actively support our future endeavors.

*the editors*

*Published three times during the year in the fall, spring and summer by the students of Georgia Law School. All communications should be sent to Georgia Advocate, University of Georgia School of Law, Athens, Georgia 30601.*

# Report of the Dean

In my most recent report to the President of the University I stated that "The academic year 1970-1971 has been a year of 'sharp peaks' and 'deep valleys' in so far as the continuing movement toward true excellence in legal education is concerned. On the whole it is estimated that for this year the plus's and minus's are approximately in balance". I then went on to suggest that the financial situation in which the Law School and, indeed, all areas of higher education find themselves, leaves serious doubts as to whether continuing substantial progress towards excellence can be made.

In the five months which have intervened, this problem has not been resolved and, indeed, it cannot be until, at the earliest, after the 1972 legislature has adjourned. But, academic life goes on, and despite the obstacles we continue to strive for the excellence which is desired by us all.

There were three significant developments which occurred at the beginning of the academic year. The first related to substantial changes in faculty and professional staff personnel. Professors Landgraf and Player who had been granted leaves of absence for the academic year 1970-1971, requested and received an additional year's leave of absence for 1971-1972. Professors John Daniel Reaves and Hunter Taylor requested leaves of absences, which were granted. Professor John Rees went on leave during the fall quarter, and Professor Berrien Eaton who joined us as recently as November, 1970, resigned to return to the private practice of law. Mr. John Corry received a year's leave of absence to work in the Executive office of the Governor in Atlanta. As a result seven permanent members of the professional staff were not available for service in September.

Fortunately and coincidentally the School experienced one of its best faculty recruiting years. Professor Paul P. Harbrecht came to us from Osgoode Hall, a Canadian Law School, Professors Ira Shepard, Charles Robson, and Boyce Covington joined us after serving periods of time in the active practice of law. Messrs. Wayne McCormack and Donald Wilkes joined the faculty after two years of practical experience, and Mr. Roger Groot came to us directly upon graduation from the University of North Carolina School of Law. All show exceptional promise

and have been enthusiastically received by their students during the fall quarter.

The substitution of seven new professional staff members for seven others does not, in itself, seem to mark progress. However, in so far as we are able to retain our new people and encourage those on leave to return, we will have made substantial gains both qualitatively and quantitatively in professional staffing.

The second major development relates to the incoming class. Although in actual size it exceeds the previous class by only the modest number of four students, it was selected from a much larger pool of applicants with a resulting substantial increase in the average qualification of those enrolled. 86% of the entering class are citizens of Georgia, but they represent 73 different Universities and Colleges compared to 52 a year ago.

Early reports on the applications for admission to the class which will enter in 1972 indicate another substantial increase in applications which inevitably will produce another sizable increase in average qualification, a movement which is necessary if we are to achieve the excellence which has been our goal over the one hundred twelve year history of the School of Law.

The final favorable development in the early fall was the relocation of that portion of the Institute of Government which had occupied the ground floor of the Law Building to space in the University outside the Law School. This has made it possible to provide the *Georgia Law Review*, the *Georgia Journal of International and Comparative Law*, the Moot Court Board, and the Student Bar Association with much more appropriate quarters. It has also relieved temporarily the space pressures in other portions in the building, giving us hopefully a two year breathing spell before we are in serious difficulty again.

This year's beginning, then, has been most favorable, but the question of financing is always with us. Whether we can realize the full value of these developments and build on them toward total excellence will depend in a large measure upon the financial resources made available to us in the next fiscal year and in the years to come.

Lindsey Cowen  
11-19-71



**LAW SCHOOL  
ADMISSION  
BULLETIN**

LAW SCHOOL ADMITTANCE TEST  
 LAW SCHOOL SATISFACTORY SERVICE  
 LAW SCHOOL PRACTICE AND SERVICE

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# ADMISSIONS DILEMMA

During the past three years the Law School has experienced a dramatic increase in the number of students seeking admission. In 1968-69 there were 618 applicants; in 1969-70 there were 790; and in 1970-71 applicants reached an all time high of 1200. This last figure represents a rise in applications of almost 100% over a three year period, while during the same period only 30 new spaces have been made available in the first-year class. As a result of these circumstances, the Law School's Admissions Committee has had to establish a policy of accepting only the highly qualified candidate for admission.

Georgia Law School has not found itself in a unique position with respect to admissions problems. The trend of dramatic rises in applications has had a noticeable effect on the admissions policies of law schools throughout the country. This nationwide upswing in law school applications has been attributed to several factors.

One main factor, of course, has been the larger graduating classes which have been produced by the nation's institutions of higher education. In recent years there has also been a significant decrease in the number of highly qualified college graduates who enter graduate schools in arts and sciences. This decrease has been due, in part, to what has become popularly known as the "Ph.D. Glut." Consequently, a large group of talented students for realistic reasons have turned to the law schools for further education and career preparation. Finally, an increased awareness of the problems which face society and the solutions to these problems which may be found through a knowledge and use of the legal system has made a legal education attractive to many outstanding students.

The foregoing has necessitated an admissions process which involves many wide-ranging and intricate considerations that in some way affect each applicant for admission to the Law School. Any examination of admissions problems and policy, therefore, should focus on the Admissions Committee's selection process and its efforts to enroll only the best qualified

student at Georgia Law School.

Only three years ago the Law School was essentially admitting all students who were able to meet rather well defined objective standards. With the noted rise in applications, the Admissions Committee can no longer adhere to that policy. The number of applicants admitted must remain within the Law School's present physical and financial capacity. Thus, it has been the unfortunate task of the Admissions Committee to deny admission to many Georgians who were "qualified" in the sense that they could have probably successfully completed the work required for the J.D. degree. For example, one hundred "qualified" applicants were denied admission last year.

The selection of the 243 best qualified applicants for the Class of 1974 began during the Fall of 1970, soon after the Admissions Office began accepting applications. Approximately the top 15% of all applicants was accepted early in the year. Acceptance of the remaining members of the class took place in April when the Admissions Committee was able to predict the minimum standards for acceptance.

In most cases the controlling admissions factors are the undergraduate level of academic achievement and the score on the Law School Admissions Test. This year, for example, the mean grade point average and LSAT score of those accepted were 2.98/4.00 and 589, respectively. The Committee, however, never sets an absolute minimum standard, for in individual cases one determining factor may be low while the other is high. In other words, this past year a student with a 2.50/4.00 would have needed to score in excess of 600 on the LSAT in order to have anticipated acceptance. In close cases the Admissions Committee also will consider other factors, such as improvement in undergraduate grades, student employment requirements, and the nature of the applicant's undergraduate curriculum.

As a state supported institution, the University of Georgia School of Law recognizes an obligation to accept within the limits of the school's facilities those Georgia residents who demonstrate the ability to com-

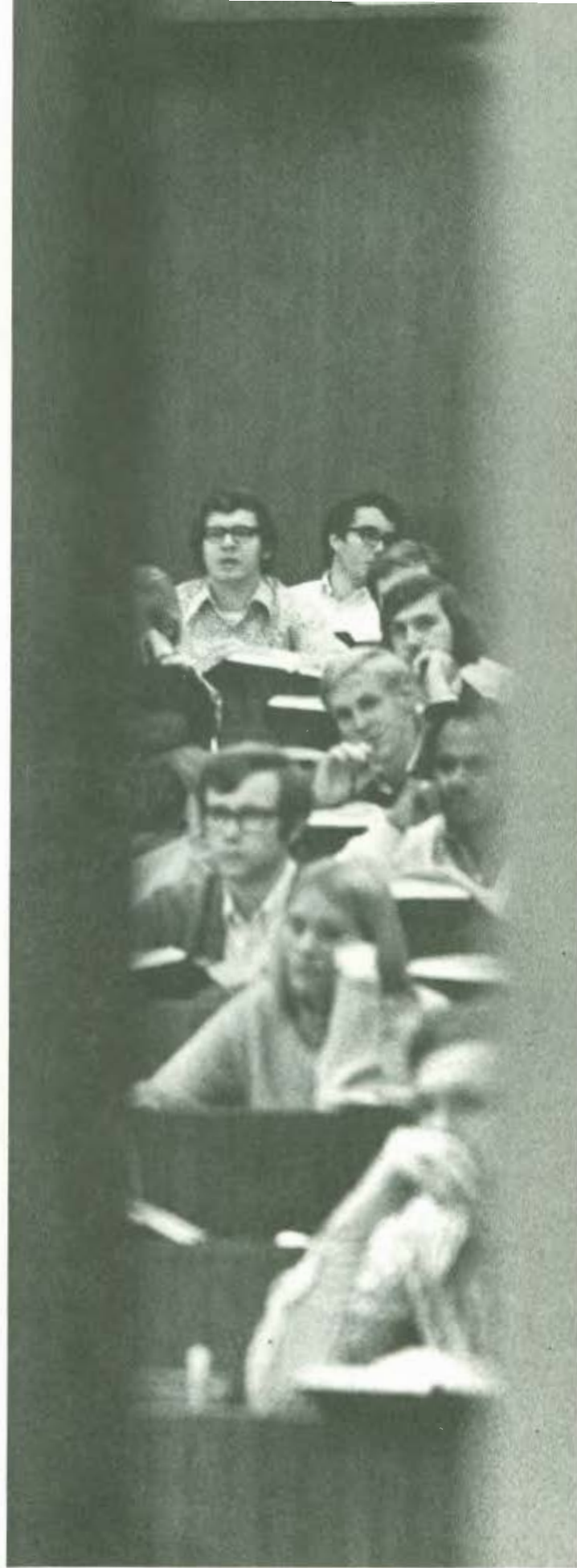


plete successfully the prescribed three year course. At the same time the Law School is aware of the advantages to be derived from having a reasonable percentage of highly qualified out-of-state students. It is felt that the presence in the classroom of students with varied backgrounds and from other geographical areas enhances the overall experience of legal education. There are 33 out-of-state students representing 16 states in the present first-year class. Although this number accounts for 14% of the entire class, the Admissions Committee does not feel that such a number is inordinate; and administrative action has been taken to insure the maintenance of this reasonable balance in the future.

Recognizing that the State has less than thirty five practicing black lawyers, the Law School has made a special effort to recruit and admit qualified black students. Those students who showed an ability and determination to study law were singled out and encouraged to seek admission to Georgia Law School. The academic qualifications of the students accepted compare favorably with the overall class averages. This year seven black students enrolled in the first-year class. Even though in the last year there has been a 75% increase in the black enrollment, other talented minority students were forced to pursue their legal education at other schools because of the general lack of sufficient scholarship funds. For example, in two specific instances this past year, black students chose to leave Georgia because Northeastern schools were able to offer them more financial assistance. In spite of situations such as those just noted, the Georgia Law School will continue its efforts to keep qualified black students in Georgia for their legal education.

Over the past five years the Law School has had an average of only four women enroll each year. The Admissions Committee made note of this imbalance when it considered the composition of the Class of 1974. The result has been a marked increase in the female enrollment to 23 in the first-year class.

The foregoing can only be considered a capsulized view of a very complex task. The needs of the State, the needs of the student, the needs of society, and the needs of the Law School raise questions of utmost importance which must be asked in the case of every applicant. This duty falls on the shoulders of the Admissions Committee, and for its efforts to bring the best to Georgia Law School a great debt of gratitude is owed.





The following is a more detailed view of the statistics which have been compiled on the first-year class.

Total applications: 1188  
 Mean LSAT/GPA of those enrolled: 585/2.93  
 Mean LSAT/GPA of those accepted: 589/2.98  
 Total accepted: 369  
 Total enrolled: 242

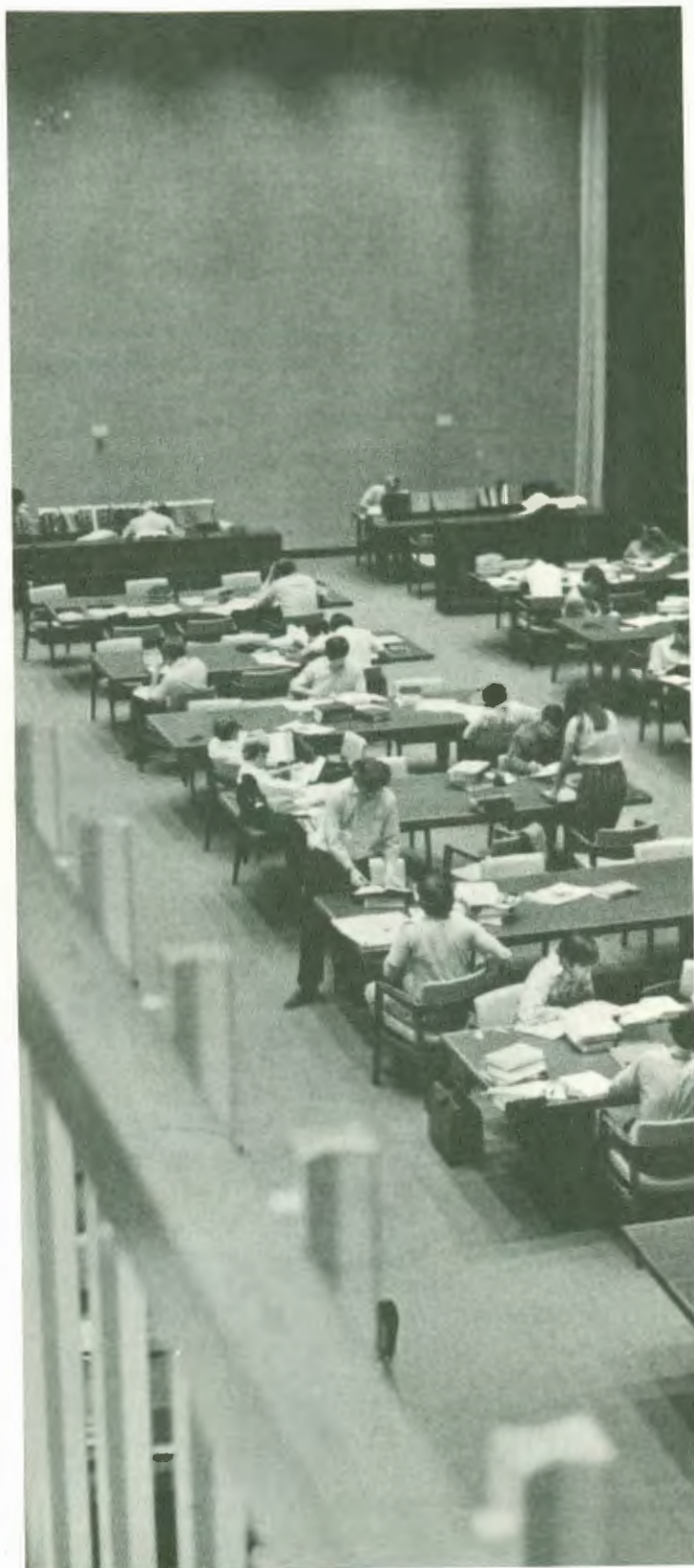
Colleges represented by two or more students:

University of Georgia	84
Emory University	24
Georgia Tech	15
Georgia State University	11
University of Virginia	10
Duke University	5
Davidson College	4
Mercer University	4
Florida State University	4
University of North Carolina	4
West Georgia College	2
Vassar College	2
Vanderbilt University	2
University of Southern Tennessee	2
University of Illinois	2
University of Florida	2
United States Military Academy	2
Princeton University	2
North Georgia College	2
Haverford College	2
Washington and Lee University	2

58 other colleges and universities are represented by one student.

States represented:

Georgia	209
Florida	5
Virginia	5
Alabama	4
North Carolina	3
Pennsylvania	3
South Carolina	2
New York	2
Arizona	2
Illinois	2
Kentucky	1
Maryland	1
Missouri	1
Ohio	1
Tennessee	1





# *The Georgia Court System There's A*

Whether it be under the label of judicial reform or court reorganization, the growing criticism of the judiciary by numerous segments of our society can no longer be ignored nor rightly denied. Clearly, the people of our state are far from pleased with the conduct and operation of our courts, and it is their voice which will provide the impetus for the needed changes. Of particular importance are the many within the organized Bar of Georgia and certain members of the trial and appellate judiciary in this state who have favored various aspects of reform. The most vociferous in its advocacy of certain designated changes in the overall court structure has been the news medium.

Undoubtedly, a number of these proposals will be presented to the General Assembly of Georgia early in 1972. Many of these changes, which are now proposed by the Bar groups, members of the judiciary and the press, have long been overdue and should have been enacted into law several years ago.

By education and legal training, the judges and the members of the Bar of this State are better equipped than any other group to promulgate these needed changes and to see them enacted into law. It is my sincere conviction that unless we, as judges and lawyers, respond to the needs of the people in this respect, the people themselves will very shortly accomplish these necessary changes through their elected representatives in the General Assembly in this State. There is a certain distaste in the use of the terms "judicial reform" and "court reform" for the reason that these terms in themselves connote corruption by the judiciary or corruption in the operation of the judicial system, or illegal practices in the operation of the courts or, at the very least, quasi-illegal practices in the conduct of the courts. I do not believe that such conditions exist within the present-day judiciary of this State. Rather than use the terms "court reform" or "judicial reform," I prefer language which would clearly indicate a need for reorganization of the court structure and changes in court procedures which would bring our courts in keeping with a modern-day administrative function.

Many specific changes have been suggested by the leaders of the organized Bar. Some changes have been proposed by a few members of the judiciary, both trial and appellate. The news media have also had their say in this respect. However, the real ground





*courts:*

# *Change A'comin*

By the HONORABLE JEFFERSON L. DAVIS



swell for immediate change has begun to come in recent months from the citizens who serve as jurors in the courts and who, apparently for the first time in recent history, are beginning to make themselves heard and are asking why certain rules should not be changed which would add efficiency and business-like methods to the conduct of the trial courts.

There are several proposals which I would advocate as needed changes in the reorganization of our court system and in the promulgation of rules for the conduct of the judiciary. Judicial selection and tenure has captured the interest of a large number of the members of the Bar of Georgia; and there are many members of the Bar, members of the judiciary and laymen who sincerely feel that some of these proposed plans would be more preferable than the present elective system for judges. However, this proposal has become so controversial that even those who propose it do not now sincerely believe that it has any chance of passage in the immediate future. Any such change as to the manner of appointing judges would have to be enacted by a two-thirds majority of the State Senate and the House of Representatives and would then have to receive a majority of the votes cast in a referendum proposing a constitutional amendment to the Constitution of the State of Georgia.

Certainly there should be a board, commission or committee formed with the necessary power to hear complaints against individual members of the judiciary, for the fullest investigation of such complaints—with the power to reprimand, censure, provide early retirement, or even to remove members of the judiciary whose conduct is not becoming to the office, either in private or public life. Those judges who fail or refuse to perform the duties of the office, those who are intemperate in the use of alcohol or drugs, those who have become senile or unable to perform their duties by virtue of illness or old age, and certainly those who are guilty of any corrupt practices in the conduct of the courts should be within the jurisdiction of such a commission.

Such an organization should be composed of judges, lawyers and knowledgeable laymen who are vitally interested in maintaining the reputation and integrity of the judiciary of this State. Of course, there should be some safeguards in the conduct of



*"Much has been said and written about Georgia's being the only state left with the antiquated "Unsworn Statement" rule . . ."*

such an organization; and any complaint or charge made against a judge should be proved by competent evidence before allowing any publicity on the charge, lest his reputation be ruined even though he were later found to be innocent of the charge.

As to actual procedures which should be brought into being for the more efficient operation of the courts, while at the same time not infringing upon the rights of litigants or the rights of defendants in criminal cases, several changes have been proposed by various individuals and groups. Many of these proposals have some degree of merit.

Much has been said and written about Georgia's being the only state left with the antiquated "Unsworn Statement" rule involving a criminal defendant. This provision of our law probably irritates more of our citizens than any other rule or procedure in the conduct of criminal trials. Those few who favor this rule are the legally self-educated defendants, who generally have been in court many times before, and the members of the Bar who specialize in criminal cases. I feel that a vast majority of the public in general, including nearly every member of the judiciary of Georgia and many members of the organized Bar, would like to see this rule changed so as to provide that a defendant in a criminal case would have to be sworn and subjected to cross-examination in the same manner as any other witness, provided the defendant and his counsel elected to have him testify in his case. I was a member of the General Assembly for six years, having served in both the House of Representatives and the State Senate, and this same matter came up before the General Assembly at every session and was soundly defeated through the organized efforts of those lawyers in the General Assembly who did not wish to see this change take

place. It may well be that with an enlightened public opinion on this subject and with the organized efforts of the State Bar and the judiciary, this change may be made during the next session of the General Assembly. However, opposition can be expected by most members of the Bar who defend large numbers of criminal cases.

The average, intelligent lay citizen serving as a juror simply cannot comprehend the idea of allowing a defendant to have forty-eight qualified jurors at his disposal in every felony case in which a defendant is charged. These jurors will certainly go along with the rule which permits forty-eight qualified jurors in a capital felony, but the vast majority of our citizens now feel that a lesser number of jurors would be adequate in all but capital felonies; and the general feeling is that twenty-four jurors would be sufficient in the ordinary felony case with the defendant still having the advantage of eight jury strikes and the State having four strikes. This change would drastically reduce the cost of operating the court system in Georgia and would require fewer citizens to leave their jobs and businesses in order to perform jury duty.

Another suggestion being advanced with regard to juries is for verdicts of less than unanimous consent of all twelve jurors in civil cases. This proposal meets the approval of an almost unanimous judiciary and a large segment of the organized Bar. This change would drastically reduce and almost eliminate the so-called "hung jury," or a dead-locked jury where one or two members of a twelve-member jury are holding out against the other ten or eleven members. Many civil cases last from two days to several days in the trial; and in some of our smaller counties, the expense involved in operating the court system is burdensome to the county fiscal authorities for the reason that they do not have sufficient funds to pay the jurors for long trials, much less the necessary funds to re-try these cases because of an eleven-to-one, or a ten-to-one "hung jury." Many other states have



*“ . . . , I have very serious doubts if all of these changes and new laws will come about in the year 1972, But . . . . ”*

long since adopted this change and provide for a less-than-unanimous verdict in all civil cases, and in many criminal cases where the penalty involved is not severe.

Coupled with this proposal is one for a six-member jury in civil cases involving small amounts and in all misdemeanor criminal cases where the defendant would be subjected to confinement for twelve months or less and a maximum fine of \$1,000. This proposal also carries the recommendation for a less-than-unanimous verdict, with variations of the rule adopted in many other states of the so-called “five-sixths” verdict requiring five of a six-member jury and at least ten of a twelve-member jury to make a legal verdict.

Another change which has not met with too much mention in the press and one which has only been discussed, insofar as I am aware, in meetings of the organized judiciary is one reducing the number of voir dire questions which counsel on each side are now allowed. In some cases, these questions will take more than a day for counsel to complete the individual voir dire examination of forty-eight jurors in a felony case, or even twenty-four jurors in a civil case. The appellate courts of Georgia have recently come to the rescue in this respect, and there are several recent decisions which permit the trial judge a great deal of discretion in the number and type of voir dire questions which may be propounded to an individual juror by counsel for either side. The general import of these decisions is to the effect that the trial judge can eliminate any and all questions, the answer to which would predispose of any issue involved in a case. This line of questioning alone has resulted in some lawyers having several pages of typewritten questions which they propound to each individual juror, the answer to which would indicate a predisposition in that juror's mind as to some issue involved in the case. I feel that all these questions cannot be eliminated by the trial judge, but some remedial legislation in this area might further reduce the time required for selection of a jury without doing an

injustice to any party concerned.

To those among us who oppose “No Fault Insurance,” the burden is squarely on our backs to find and implement the means of eliminating by jury trial the small automobile property damage claim and certainly the subrogation claims for property damage brought in the name of the insured, but instigated by the insurance companies. Many times these cases take a day or more of the court's and jury's time when the amount involved is two or three hundred dollars or less. It would seem that some type of arbitration by court-appointed referees or a statutory manner of arbitration of these claims should satisfy all valid objections to this type of litigation which has become expensive and burdensome to the trial courts as well as to the jurors and taxpayers.

On the criminal side of the docket there are some changes which would very definitely aid in the efficient operation of the court, would probably be instrumental in the reduction of the number of crimes committed, and would assure a speedy trial for all defendants in criminal cases. There is now a provision of our law which precludes bail in any capital felony until and unless, after a petition for bail and a hearing thereon, a judge of the superior court grants bail and fixes the amount thereof. There are many other felonies which, in my opinion, should provide for no bail until a judicial hearing is conducted in the matter. Certain classes of burglaries, robberies, aggravated assaults and other serious crimes against persons and property should be placed in a category requiring judicial hearing before the defendant could be admitted to bail. This procedure would eliminate some of the criminal repeaters who promptly make bail and go forth to burglarize and rob the public several times while out on bail. This change should incorpo-



rate a provision wherein the hearing judge could deny bail in cases of repeating felonies and order a speedy trial of the case. The General Assembly passed a law which was approved by the Governor on April 5, 1971 providing that "Each person who is entitled to bail under this Chapter shall be permitted one bail for the same offense as a matter of right. Subsequent bails shall be at the discretion of the Court." This change in the law will certainly make possible a speedy trial for all criminal defendants and will obviate the necessity of a victim's appearing in court two or three times before the defendant can finally be brought to trial.

Having been a member of the General Assembly for a number of years, I have very serious doubts if all of these changes and new laws will come about in the year 1972. But with the continued support of the judiciary, the organized Bar of Georgia, the news media and, most important of all, the citizens of this State, it is my firm prediction that these changes in some form, along with others yet to be devised, will have come about and will be in effect in the near future.



*Jefferson Lee Davis is Judge of the Superior Court in the Cherokee Judicial District and makes his home in Cartersville. Judge Davis was born August 28, 1912 in Cartersville, attended Cartersville Public Schools, Georgia Tech and the Atlanta Law School. He was admitted to the Bar in 1943 and subsequently served as a member of the Georgia House of Representatives from 1947-51 and as State Senator from the old 42nd District in 1955. He has seen duty on various committees and as a member of the Board of Governors of the State Bar. A trial lawyer in addition for 15 years, Judge Davis was appointed Judge of the Cherokee Circuit on January 9, 1958.*





# Around the School

## New Assistant Dean

C. Ronald Ellington has been named Assistant Dean of the School of Law. He succeeds Professor John Murray, who, after two years of dedicated service, has returned to his full time teaching activities.

The duties of the Assistant Dean are quite varied. In his new position, Ellington will be the Law School's "three in one" dean. As the man in the administration who advises the students on academic and extracurricular matters, he will be acting as a Dean of Students. Ellington will also be serving as a Dean of Academic Affairs by virtue of his role in determining such things as the content of the curriculum and grading policy. Finally, the new Assistant Dean is charged with the duty of maintaining order in the Law School's internal administration. In other words, any problems with the allocation of office space, the secretarial staff or the efficient functioning of the Law School in general find their solution in the office of the Assistant Dean.

A native Georgian, Dean Ellington received his secondary education at Robert E. Lee Institute in Thomaston and was graduated *summa cum laude* from Emory University with an A.B. in Political Science in 1963. At Emory he was elected to Phi Beta Kappa and was selected as a Woodrow Wilson Fellow. In 1966, Dean Ellington received his LL.B. degree from the University of Virginia Law School. While at the University he was Notes Editor of the *Virginia Law Review*, a Dean's List scholar, a member of the Order of the Coif and the Raven Society. From 1966 to 1969 Ellington practiced law in Atlanta with the firm of Sutherland, Asbill and Brennan.

Dean Ellington has been an Assistant Professor at the School of Law since 1969. He is currently teaching courses in Public Law and Constitutional Law and is also in the process of completing work on *Cases and Materials on Georgia Practice* with Law School Professors Thomas F. Green and J. Ralph Beaird. Ellington is married and has a 2½ year old son.



DEAN ELLINGTON



DON CLARK  
International Lawyer

## International Business

"International Business in Georgia"—a seminar examining the expanding needs of private international commercial law—was presented October 14 at the Law School. Sponsored by the Georgia Society of International and Comparative Law, the seminar presented a panel which included lawyer Donald O. Clark; banker David P. Mills; and trade deputy director, Harold A. Dye.

Clark, a past editor-in-chief of the *University of South Carolina Law Review* and international tax lecturer at the Emory University School of Law, is a partner in the Atlanta firm of McClain, Mellen, Bowling and Hickman. Mills is vice-president of the Trust Company of Georgia's International Department and a director of the Banker's Association for Foreign Trade as well as former chairman of the Atlanta Chamber of Commerce's World Trade Council. Dye is deputy director of the Georgia Department of Industry and Trade and vice-president of the Georgia Industrial Developers Association.

"The purpose of the seminar was to present the practical effects of international business on the Georgia lawyer or businessman," said John Allgood, Society president. The program demonstrated that Georgia attorneys and businessmen can expect greater requests for assistance from clients in the area of international market transactions.

Dye said Georgia currently spends \$1,000,000 of the State budget promoting Georgia business and products. A sizeable percentage of this amount is spent in seeking international markets. In addition more firms from foreign countries are placing branches in Georgia. These firms manufacture goods from raw materials for export back to the parent country. As this increase in international business continues, local businesses are adding to their own advisory staffs in order to handle such areas as export contracts.

David Mills talked of the banking services supplied by Georgia's international banking departments and of the bank associations approved under the Federal Reserve System that extend



credit to large and small corporations expanding into overseas operations. He stressed that the economic pressure of international transactions would force more local law firms to deal directly with client transactions rather than referring international contracts to New York or Washington firms. "Banks follow their customers and are forced to meet their customer's needs. Law firms can expect increasing pressure to do likewise," Mills predicted.

Clark, who is an expert in international tax transactions, noted the neces-

sity of exploring the tax regulations in the foreign market. He pointed out that, "double taxation on the Georgia firm can take the advantage out of international profits unless that firm's attorney is aware of local standards and regulations." Local custom also plays an important role in contract agreements and requires the attorney to adopt a more circumspect attitude than the typical American negotiator. "The Chinese for instance are too polite to tell firms of some agreement difficulties, and different approaches must be tried

to discover and work out these difficulties," Clark said.

The three panelists discussed the high requirements which firms place on those seeking jobs in international law and finance. They also noted that many of the top business executives in Georgia are those who have had international experience. Mills emphasized that, "this is indicative of the trend toward business's need to have leadership groups which know about international transactions."



New members of the Editorial Board of the JOURNAL. Standing left to right; Steve Fanning, Stan Jackson, John Allgood, B. H. Levy, Bill Pierce, Alan Lowe, Tom Shanahan, John Rivers, Don Johnson, David Pettis, Tom Harper, Dennis Summers.

## Georgia Journal

Moving into its second full year, the *Georgia Journal of International and Comparative Law* recently named eleven new members to its Editorial Board. The new members, who completed a three week try-out program at the beginning of Fall Quarter, are: John Allgood, Steve Fanning, Tom Harper, Stan Jackson, Don Johnson, B. H. Levy, Alan Lowe, David Pettis, Bill Poole, John Philip Rivers, Tom Shanahan, Dennis Summers, and Bill Pierce.

The *Journal* plans to publish two regular issues with the first issue to appear in December and the second in early April. The second issue, featuring a written symposium of the international

environment, should be very provocative and timely in view of the United Nations Conference on the Human Environment to be held in Stockholm next summer. Among the writers who are tentatively figured to contribute to the symposium are Professor Dean Rusk of the Law School; Professor Eugene Odum, the noted ecologist; Mr. Lowell Dodd of the State Department; and Senator Edmund Muskie.

Two supplemental issues are also planned to appear around the first of December and shortly after the first of the year. The first supplement will include the proceedings of the Southern Regional meeting of the American Society of International Law which was held at the Law School last April. The

theme of that meeting was "The General Problem of Defining Aggression." The second supplement is to include the proceedings of the regular meeting of the American Society of International Law which was held last June in London and which was co-sponsored by the Royal Institute of International Affairs. This session discussed the "Divergent Anglo-American Attitudes to International Law," and featured such outstanding scholars in the field of international law as Ivan Brownlie of Oxford, Professor Richard Falk of Princeton, and Professor R. Y. Jennings of Cambridge.

Like the *Law Review*, the *Journal* recently moved into new offices on the first floor of the Law School.



## Law Review

The *Georgia Law Review* recently selected nineteen new members who will comprise the *Review's* Editorial Staff for 1971-72. The students selected are: Darrel Begnaud, Gene Black, John Brown, Ken Carroll, Lamar Davis, John DuBose, Jim Ford, Mike Garrett, John Greenfield, Greg Gregory, Bruce Howe, Bill Kitchens, Frank McGauhey, Read Morton, Frank Nix, Nick Sears, Ed Stone, John Winborne, and Peter Wright.

In the late summer the Editors of the *Review* extended the traditional invitations to the top-ranked students from the first-year class. In addition, a new "write on" program was created through which any rising second-year student could receive consideration for a position on the Editorial Staff upon the successful completion of a scheduled series of problems. By instituting this new program, the *Review's* Editors feel that many good students, with outstanding writing ability, who would previously have been excluded because of a lower class rank, will now have an opportunity to join the *Review*. It is hoped that the student, the *Law Review*, and the entire law school will profit from the new "write-on" program.

This year the *Law Review* will again publish four regular issues. A short tribute to the late Justice Black will be featured in the first issue. The third issue will be devoted to the fourth annual labor law symposium. In late winter or early spring a cumulative index of Volumes I-V will be published. This will become an annual practice with the fourth issue of each volume to include that volume's index.

The *Review* presently has a student project in the preparatory stages which it is hoped will evolve into an annual review of the decisions of the Fifth Circuit Court of Appeals. The third-year members of the Editorial Staff are now laying the groundwork for the initial appearance of this feature next fall.

Since the *Law Review's* inception six years ago, the Editors have been faced yearly with the problem of inadequate working space. With the departure of the Institute of Government from the Law School complex during the summer, desperately needed office space has been made available. The *Review* now has its permanent home in four of these well appointed offices.



## Forum Presents

The Law Forum has conducted two successful programs at the School of Law during the Fall Quarter.

On September 22, 1971, several members of the Young Lawyers Section of the Georgia Bar Association came to the Law School in an effort to establish a closer relationship between members of the Bar and the University's Law Students. The group was composed of Tom Daniels of Perry, Horace Sibley of Atlanta, William T. Moore of Savannah, E. H. Culpepper of Atlanta, and Gerald Thurman of Pittsburgh, Pennsylvania. The panel gave emphasis to the job interview and offered insights and suggestions as to how they should be given and conducted. Near the end of the program, a surprise visit was paid by Trammell Vickery, Chairman of the State Bar Examiners. Mr. Vickery outlined the procedure utilized in drawing up and grading the Bar Exam. Mr. Vickery also noted the success recent graduates of the School of Law have had in passing the examination.

In addition, the Law Forum presented the State Director of Prisons, Ellis McDougall who spoke to the Law School in the Student Lounge on October 26,

1971. McDougall emphasized the violence and high rate of recidivism currently in Georgia's prison system but foresaw changes in the system's future. McDougall sympathized with the majority of Georgia's poorly educated and often illiterate prisoners and expressed his wish that Georgia would be able to provide a system that can provide a man with his basic needs, social as well as vocational, to exist in today's society. It is his hope that the prisoner will return safely to the community by a logical corrections system.

## Bar Results In

The University of Georgia School of Law has again compiled an outstanding record on the 1971 Bar Exams. According to Dean Lindsey Cowen, ninety-nine of the 105 eligible members of the class of 1971 (30 in January and 67 in June) took the Georgia Bar Examination. With final results in, ninety-seven percent have passed. The top three-quarters of the class enjoyed a 100% passage rate.

The Bar Examination record compiled by University of Georgia School of Law Graduates has, in recent years, placed them first among the state's accredited schools in this area.



# Alumni Notes

*The GEORGIA ADVOCATE welcomes the contributions of all alumni to this section. Please address all news to the Alumni Editor.*

1911

JOHN A. SIBLEY (B.L.), honorary chairman of the Trust Company of Georgia, has received the Business Statesman Award of the Harvard Business School Club of Atlanta.

1918

J. ELLIS MUNDY (LL.B.), after a long tenure on the bench of Federal Court, now is serving as judge of the Juvenile Court of Clayton County.

1927

EDWIN FULCHER (LL.B.) of Augusta has been appointed to a newly created Superior Court judgeship by Governor Jimmy Carter.

1931

HERBERT B. KIMZEY (LL.B.) is district attorney for the Mountain Judicial Circuit and lives in Cornelia, Ga.

ELLIS G. ARNALL (LL.B.) of Newnan has been elected a director of Midland Capital Corp., a New York investment firm.

1933

LACEY W. HINELY (J.D.) has retired from federal service in Washington, D.C., as trial attorney and administrative trial judge, and now lives in Rincon. Following a brilliant army record during World War II, he served as assistant to Chief Counsel Robert Jackson at the Nuremberg Trials in Germany.

1936

CLIFFORD J. SWIFT (LL.B.) of Columbus has been listed in the 1970-71 Edition of "Who's Who in America" and has been named as a Fellow of the American College of Probate Counsel.

U.S. SENATOR HERMAN E. TALMADGE (LL.B.) is now the second ranked Democrat on the Senate Finance Committee.

1938

GEORGE C. SPENCE (LL.B.) is executive director of the Atlanta Metro Associated Plumbing Contractors, Inc.

1939

Governor Jimmy Carter has appointed CHARLES KIRBO (LL.B.), Atlanta attorney with King and Spalding, as his chief of staff. He is also Chairman of the Democratic Party in Georgia.

U.S. REPRESENTATIVE JOHN W. DAVIS (LL.B.) of Summerville was married in June to Mrs. Bridget O'Sullivan Christman of Washington, D.C., and formerly of Limerick, Ireland.

1941

HOWELL C. ERWIN, JR. (LL.B.) received the Georgia Alumni Society's Alumni Merit Award on April 3, 1971.

CONGRESSMAN ROBERT G. STEPHENS, JR. (LL.B.), U.S. Representative from Georgia's 10th District, was presented the honorary Doctor of Laws degree in June from the Augusta Law School.

1942

Rome attorney ROBERT L. ROYAL (J.D.) has been appointed judge of Floyd County State Court by Gov. Jimmy Carter.

1945

SUPERIOR COURT JUDGE SAM P. MCKENZIE (J.D.) of the Atlanta Judicial Circuit, has been appointed to a blue ribbon advisory panel that will

recommend national standards of justice for juveniles.

1946

GEORGE D. LAWRENCE (LL.B.) has resigned as district attorney of the Ocmulgee Judicial Circuit after more than 18 years service. He is now the executive director of the District Attorney's Association of Georgia.

1947

RALPH R. WILLIAMS (LL.B.) has formed a law partnership with his son Roger C. Williams, a University of Alabama law graduate.

GORDON B. TRULOCK (LL.B.) has been elected senior vice president of credit for The Citizens & Southern National Bank, Atlanta.

Clarke County Juvenile Judge OLIN PRICE (J.D.) has been elected to the National Executive Board of the National Council of Juvenile Court Judges.

1948

CARL E. SANDERS (J.D.) former governor, has been elected a member of the board of directors of Georgia Railway Company.

President Nixon recently selected WILLIAM H. DARDEN to become Chief Judge of the U.S. Court of Military Appeals.

HUBERT T. "HUGH" QUILLIAN, JR. (LL.B.), LaGrange attorney, has joined the faculty of LaGrange College as a part-time professor of business administration.

DENMARK GROOVER (LL.B.) has been elected to the Georgia Legislature



to represent the 27th House District including Jones, Twiggs, and Jasper Counties.

1949

JAMES W. McKENZIE (LL.B.), partner in the Atlanta insurance firm of Marritt & McKenzie, has been appointed to serve on the newly created Producer/Company Council of Crum and Forster Insurance Companies.

Atlanta attorney KIRK M. McALPIN (J.D.) has been elected president of the board of directors of the Atlanta Legal Society.

Athens attorney, UPSHAW BENTLEY has resigned as Clarke County attorney after many years of service.

CALHOUN A. LONG, JR. (J.D.) has been named a director of the Southern Federal Savings and Loan Association in Atlanta.

1951

JOEL J. FRYER (LL.B.), Atlanta attorney, has been named judge of the Fulton Civil Court.

1956

Savannah attorney JAY GARDNER (LL.B.) has been named general counsel of the Georgia Republican Party.

WILFRED J. JACQUES (LL.B.) of Fairfield, Conn., senior vice president of Harrell International, Inc., in Westport, Conn., was recently graduated from the Advanced Management Program of the Harvard University Graduate School of Business Administration.

KENNETH KILPATRICK (LL.B.) of Forest Park has been appointed by Gov. Jimmy Carter to the 6th Congressional District Seat on the State Board of Education.

1957

THOMAS W. RIDGWAY (J.D.) of Monroe has been elected president of the District Attorney's Association of Georgia.

FRANK W. SEILER (LL.B.) of Savannah has been selected as president-elect of the Georgia Bar Association. He is a partner in the law firm of Bouhan, Williams and Levy, and a past president of the University of Georgia Club of Savannah.

1958

BILLY SHAW ABNEY (J.D.) of Lafayette has resigned from the Georgia Senate to become judge of the newly created juvenile court of Walker County.

HARRY L. CASHIN, JR. (LL.B.) is president of the Lawyers Club of Atlanta.

ED JENKINS (LL.B.) has been elected to the board of directors of the Citizens Bank of Ball Ground, Georgia.

Mr. and Mrs. C. PATRICK MILFORD (LL.B.) of Carnesville announce the birth of a daughter Rebecca Anne on September 2.

1960

EMMET J. BONDURANT (LL.B.), Atlanta attorney, was among the winners of the Atlanta Jaycees Five Outstanding Young Men of 1970 Awards. He is also chairman of a twenty-seven member commission created to rewrite Atlanta's 1874 charter.

1961

Mr. and Mrs. GERALD L. CURROWS (LL.B.) announce the birth of a son, Gerald L., Jr. Jerry is practicing law in Atlanta.

1964

RAY NICHOLSON (LL.B.) is Clarke County's new legal aide.

1965

JAMES WRIGHT NASH (LL.B.) is teaching English at St. John's School in Houston, Texas.

FRANCIS P. "BUSTER" SANCHEZ (J.D.) has been appointed district attorney of the Ocmulgee Judicial Circuit.

JAMES A. ELKINS (J.D.) has joined the Columbus law firm of Grogan, Jones and Layfield.

ROBERT M. RICHARDSON (J.D.) is associated with the Perry, Georgia law firm of Lawrence C. Walker, Jr.

1968

ANDREW L. HEISKELL (J.D.) has been elected a vice president of the National Liberty Corporation. He also will be vice president of investments, National Liberty Life Insurance Co. and National Home Life Insurance Co., both subsidiaries of National Liberty Corp.

1969

THOMAS J. PHILLIPS (J.D.) and DAVID W. WADDELL (J.D.) have joined with J. Alvin Gilmore to form Gilmore, Waddell and Phillips in Milledgeville.

THOMAS J. HARROLD, JR. (J.D.) of Winterville has been commissioned a second lieutenant in the U.S. Air Force.

1970

JESSE COPELAN, JR. (J.D.) is now associated with the law firm of Henderson and Snell in Canton, Georgia.

ROBERT M. GREENE (J.D.) is now associated with the Milledgeville law firm of Dickens and Hall.

CHARLES B. DAVIS, III (J.D.) is Augusta, Georgia manager for Lawyers Title Insurance Corporation.

#### IN MEMORIAM

ALBERT FELTON JENKINS (LL.B. '29) of Madison, Georgia, died May 24, 1971. Mr. Jenkins practiced law and served as attorney of Madison and Morgan County and the City of Rutledge. He was president of the Farmers Fire Insurance Company.

FRANK A. CONSTANGY (J.D. '30) of Atlanta died April 11. He was a nationally prominent attorney who represented management in the field of labor relations. During World War II, he served as regional director of the War Manpower Commission and also was chairman of the industry members of the War Labor Board.



# Bryant Thomas Castellow of Georgia

*Man is his own star, and the soul that can  
Render an honest and perfect man,  
Commands all light.*

John Fletcher, *Upon an Honest Man's Fortune*, 1613

*When he goes I would like for him to go conscious of the fact  
that he leaves a membership that holds for him the very pro-  
foundest respect and whose fondest affection will follow him  
the remainder of his days.*

Edward Eugene Cox, *Congressional Record*, 1936

In 1936, Congressman Edward Eugene Cox of Georgia rose in the House of Representatives to pay tribute to a retiring colleague, Bryant Thomas Castellow of Cuthbert, Georgia: attorney, school principal, state trooper, solicitor, referee in bankruptcy, judge, and United States Congressman from Georgia's Third District. At the time of Cox's testimony, Castellow was retiring from Congress, ending over thirty-five years of public life. It had been a rich, full, and rewarding life, filled with times of hardships, often saddened by personal loss, heartened by financial and political success, and now concerned about the political and social direction of the nation he loved, yet looking forward to the opportunity to do those things in retirement he had been too busy to do before.

Bryant Thomas Castellow was born on July 29, 1876, near Georgetown, Quitman County, Georgia, the son of William Franklin and Mary Gay Castellow. The War Between the States had ended eleven years earlier, but the pain of that conflict and the Reconstruction period which followed still resided in the hearts of many Georgians. Castellow's father was a farmer, and at the time of the younger Castellow's birth, things were very bad economically for most of the nation's farmers in the South. Like other farm boys, Castellow worked hard alongside his father until the latter died in 1890 when young Castellow was thirteen years old. His death left Castellow's mother as the sole support of a younger sister, Emmie, and

himself. By that time, cotton was down to seven cents a pound, and while the state had greatly reduced its bonded debt and enjoyed balances in the treasury, and had since 1870 quadrupled its capital engaged in manufacturing, trebled its railroad mileage, and greatly increased the property values of her people, the farmer was still in economic trouble over much of the state. Nevertheless, the three Castellows managed and planned for the future.

Between hours on the farm Castellow, like other Southern boys, took

buggy rides to church services, listened to his mother's frequent Bible readings, meandered between the barns, the fields, and the ponds, and perhaps dreamed of a better life to come. His country was still cotton country, with peanuts and corn, too. Castellow never forgot the trials of his youth nor the extraordinary faith of his father, which he often later recalled even though his father had died when he was just a boy. His strong devotion to his sister, later Mrs. L. O. Freeman of College Park, Georgia, came from his recollection of the hard years of her youth.

His remarkable mother raised her family by teaching school and this enabled both young Castellows to attend schools in Eufaula, Alabama, and Coleman, Georgia. After high school, Castellow, a devout Baptist like his family, entered Mercer University, leaving in 1895 to attend the Law Department (school) of the University of Georgia, from which he received his B.L. degree in 1897.

At the time of Castellow's matriculation in Athens, the law faculty consisted of four professors, Howell Cobb, Sylvanus Morris, John D. Mell, and Samuel C. Benedict, Doctor of Medicine. Also included were two special lecturers, Andrew J. Cobb, Justice of the Supreme Court of Georgia, and the Honorable Pope Barrow. They were assisted by five lecturers, William T. Newman, United States Judge for the Northern District of Georgia, N. L. Hutchins, Judge of the Superior Courts of the Western Circuit, Joseph H. Lump-





kin, Judge of the Superior Court, Atlanta Circuit, the Honorable P. W. Meldrim, and the Honorable Joseph B. Cummings.

The law course was covered in a single year. The first term included the study of Blackstone's Commentaries, Elementary Law, Contracts and Torts, the Constitutions of the United States and Georgia, First Part of the Code of Georgia relating to the political organization of the state, the Penal Code of Georgia, and Ewell's Medical Jurisprudence. The second term was devoted to principals of Pleading, Evidence, Equity, Equity Practice, Commercial Law, International Law, Parliamentary Law and the Code of Georgia including the Civil Code, the Code of Practice, and the Constitution of the state. Lectures on Roman (civil) law, parliamentary law, and medical jurisprudence were offered three times per week during the latter term, and lectures by the special lecturers were delivered periodically. Students were required to participate in moot court and in various exercises in the drafting of legal instruments.

After graduation Castellow began the practice of law in Fort Gaines, Georgia, with a partner, E. R. King. At the same time, Castellow served as the principal of schools in Coleman, where both his mother and sister taught. He served as a Captain in the Georgia State Troopers for three years at the turn of the century, and in 1900 began a long career of public service by becoming for two years the Solicitor of the Clay County Court.

In 1902 Castellow became Clay County Judge, serving four years until he moved to Cuthbert, and was named the Referee in Bankruptcy for the Western Division of the Northern District of Georgia, a position he held for seven years. In January, 1913, he became the Solicitor General of the Pataula Judicial Circuit, serving in that capacity until November, 1932, when he succeeded Charles R. Crisp as Congressman for the Third District. Crisp had resigned to run for the United States Senate against Governor Richard B. Russell who was elected and served until his death early in 1971. By taking the office on December 5 with the beginning of the second session of the 72nd Congress, Castellow had a slight advantage in seniority over the recently elected members whose terms would not commence until the following March. Had Castellow decided not to retire in 1936, and

had he been re-elected often afterwards, these few months' seniority might have proved significant.

Meanwhile, in May, 1927, Castellow's wife, Ethel McDonald Castellow, had died. A graduate of Agnes Scott College, Mrs. Castellow had been described as being a refined, brilliant, and beautiful woman. She had a special devotion to the heroes of the Confederacy and was a founding member of the Stonewall Jackson United Daughters of the Confederacy chapter and the Benjamin Hawkins Daughters of the American Revolution Chapter, both of Cuthbert. Her early death was a great loss to her husband, family, friends, and community. She was buried in Cuthbert, where her husband now lies beside her.

By the time Castellow went to Washington in late 1932, Franklin D. Roosevelt had been elected President. The dismal economic situation in the country had insured the latter's sweeping victory over Herbert Hoover. Even during the best years of the 1920's the South's economy was below standard and the subsequent Depression merely caused an already bad situation to become worse. As the South was predominantly rural, economic backwardness focused on rural, and especially farm problems. Only three Southern states had less than forty per cent of their population living on farms. The Southeast received more than twenty-five per cent of its income from farming, a figure about twice as high as most of the rest of the country.

The value of the South's farm property was another story. Except in three states, the value per farm averaged less than \$5,000. In 1930, Georgia had 255,598 farms in operation with an average of 86.4 acres per farm. But the state ranked forty-sixth in the nation in the value of farm property, with an average of \$2,674 per farm.

From 1920 to 1930 Southern farmers were hit a triple blow. After the relative prosperity of World War I, overproduction caused farm prices to drop throughout the nation. Before the farmer could recover from this, the boll-weevil struck. Beginning in Texas in 1894, the dreaded mite moved eastward at a rate of seventy-five to one hundred miles per year. By 1920, falling prices and the weevil had begun to take a great toll, reducing thousands of rural families to poverty, and driving supply merchants and bankers into bankruptcy. Some recovery was realized by 1929,

but with that year began the third attack on Southern and Georgia farmers that ultimately led to the changing of the whole pattern of agriculture in the South.

Farm income and wages reveal the depths of the Depression. In 1932 only two Southern states had an average farm income as high as \$1,500 per year. Georgia ranked forty-fourth in the nation with an average annual income of \$677 per farm. Per capita cash income was a meager forty-six dollars, and many farm laborers in Georgia were being paid only fifty cents a day.

The depressed agricultural situation produced bank failures, wholesale desertion of tenants and sharecroppers, widespread abandonment of land, and the bankruptcy of thousands of Southerners. By the time of the New Deal, insurance and mortgage companies owned eighty per cent of the arable land in many counties of the deep South; almost three-fifths of the rural families lived in mortgaged homes or were in some way at the mercy of financially depressed landlords, who, in many cases, were as financially stricken as the tenants and others who rented from them. The small town economy, built around the general store and living off the farm people around it, seemed to be losing its place in Southern life. It appeared to many of these people that farming had failed as a way of life, and unless drastic changes occurred, the result would be social and economic disaster.

Georgia and the rest of the South had experienced some sporadic industrial growth since Henry Grady's dream of a "New South" in the late nineteenth century. But this growth was small, and it too suffered from the Depression. There was a rather large concentration of cotton textile industries in the Southeast; when the Depression began the region had fifty-six of the nation's seventy-nine counties having more than 100,00 cotton spindles each. In Castellow's third district, Muscogee County (Columbus) was sixteenth in the nation in the number of cotton spindles. But wage differentials and other factors resulted in a very low income for the workers.

Freshman Congressman Castellow was named to the House Foreign Affairs Committee, where he served for four years with distinction. But foreign affairs would have to wait; as important as this committee was, America's real danger was at home, and Castellow had to pay more attention to domestic mat-



ters. His primary hope was to provide relief for cotton and peanut farmers since they made up a large proportion of his district. While the farm measures proposed in the lame-duck session of December, 1932—March, 1933 were not exactly as Castellow would have had them, his concern for his constituents overrode other considerations, as it would do on later occasions. In one of his first speeches as a Congressman, he painted a sad picture of the terrible needs of these cotton and peanut farmers: "You can readily see, unless some help is provided, what will come to him and his family. God only knows how they ever have existed so long, except for the fact that they obtain their fuel from the forest, their food from their gardens, their water from the spring, their light from the heavens, and under the present conditions their clothing will have to come from charity." Little was done to aid the depressed in this session and Castellow waited for the inauguration of the new President of his party, hopeful that more could be done for the people of his district.

Castellow was among the many Georgians in Washington who witnessed the change of power in March, when the need for some federal action could hardly be overstated. Virtually every bank in the country had closed before the Inauguration, the national income was less than half of what it had been four years earlier, and thirteen million Americans were unemployed.

In answering the nation's mandate and mindful of the suffering of so many, Congressman Castellow supported many Administration proposals during his four years in Washington. Particularly did he favor farm legislation. In the historic Congressional session in 1933—the "First Hundred Days"—he supported a number of farm and recovery bills, and opposed the Administration on only one major measure, The National Industrial Recovery Act, which called for the closest regimentation of business in history up to that time. Although he was one of independent spirit, the Southern Democratic commitment to party loyalty as well as the harsh economic realities of his district and state moved Castellow to go along with the New Deal, despite his later misgivings. He supported federal legislation calling for farm aid which included strict controls over the farmer's life, measures to create inflation, the federal government's unprecedented development of the

Tennessee Valley, and legislation granting to the federal government close scrutiny over the activities of Wall Street.

In the "Second Hundred Days" of 1935, and in the Congressional session of the following year, Castellow endorsed the historic Social Security Act, new welfare legislation, higher taxes on wealthier groups and corporations, new farm measures, and a controversial measure designed to regulate the utilities' holding companies. He opposed only the Guffey-Snyder Bituminous Coal Act, and was more loyal to Administration proposals than were many other Southern Congressmen.

Throughout his years in Congress, Castellow could claim to have served his constituents well. His interest in soil conservation helped change the face of his region. He was one of the pioneers in the planting of pine trees in that area, and through the years paper companies have made an important industry out of the efforts of men like Castellow. In his re-election campaign of 1934 when he defeated Stephen Pace of Americus by 2,000 votes, Castellow claimed to have answered every roll call in the House, had attended every Democratic caucus and committee meeting, had voted on every major measure. In his district, federal allotments made by the Public Works Administration were higher than in many other districts, both in Georgia and elsewhere. Federal aid for highway construction, unemployment relief, emergency farm mortgage loans, emergency crop production loans, and emergency relief for home owners were very lavish in the Third District. In his campaign literature, Castellow often pointed out to his constituents the generosity of the New Deal to his people.

Yet, for all his support of the Administration, there was present in many of Castellow's speeches in Congress a real concern for the direction the country was taking under the New Deal. While he insisted that an active federal government was necessary "to provide for the outstretched and pleading hands of humanity," he warned that "an extended dole will finally destroy any nation by depleting the morale of its citizens." Relief was necessary, he argued, for it would be "unjust to remove at once from a sheltered position thousands of men and women and thrust them unprepared into the sharp conflict of the struggle for individual

existence." But Castellow could at the same time counsel that increased costs meant increased taxes, and "those who would reach their hands too far and too often into the Public Treasury" must understand "that even a good thing can be overdone." He warned that "bounties become doles" and then "disastrous barnacles" to the ship of state. By the time Castellow left Congress, he agreed with those who believed it was time to think about balancing the budget; to him, "charge it" were two of the most dangerous words in our language.

High taxes, Castellow insisted, tended to hurt the middle classes, the "thrifty who helped themselves," discouraging their efforts to earn more. This affected not only the well-to-do; the "ghost of high taxes" could visit the fireside of every home, humble or majestic. The tremendous growth of government was a major reason for increased taxes. It was getting more and more expensive just for the bureaucracy to run itself, much less tend to the needs of the less fortunate. Ultimately, Castellow came to bemoan the economic trend of the country; "If communism is the common ownership of property within a nation, through the instrumentality of government, we seem not far from its complete attainment."

Castellow's major dispute with the New Deal came in the summer of 1935 when the United States Bureau of Public Roads withheld federal funds earmarked for Georgia highway and road construction. The state administration of Governor Eugene Talmadge had declined to make certain changes in its highway engineering staff as specified in the original agreement between the Governor and the Bureau. The latter insisted that changes be made before any further highway funds would be released.

Because the Roosevelt Administration believed it would be difficult to work with the anti-New Deal Talmadge, the President endorsed a plan for the government to work directly with cities and counties whenever a state's road department proved "unsatisfactory" for one reason or another. Many Georgians, including most of the state's Congressmen in Washington, considered this a serious invasion of states' rights. After a meeting between the Congressmen and the President failed to provide a solution, Castellow took their cause to the floor of the House. Praising his state's past loyalty to the Democratic party, Castel-



low dramatically lamented that this was the reward Georgia received for her faithful service. He warned his colleagues that the conflict between Georgia and the national government, where some "self-appointed guardian" tried to tell Georgians how to manage their own affairs, illustrated "what may happen to you, your district, or your state under a centralized government, a bureaucratic government." "To be rebuffed," he concluded, "by those we have so faithfully served is indeed disappointing." The situation was resolved in Georgia's favor shortly after Castellow's speech. However, it had a significant effect on him, for he now became to believe that the overwhelming majorities of the national Democratic party bode ill for the survival of states' rights in the future of his country.

When Castellow went to Washington he took along his young, unmarried daughter, Gertrude. While attending George Washington University, she served as his official hostess. Having lost her mother at the same age that Castellow lost his father, there was a close and warm relationship between father and daughter. In her youth, she occasionally went hunting with Castellow, who often referred to her as his "only son."

Although Castellow cautioned his daughter, as she recalls it, against socializing with Congressmen, she married one. Congressman Aaron L. Ford of Mississippi, who entered the House in 1935, first saw his future wife one day when she was paging her father shortly before one of his trips to Europe in his capacity as a member of the House Foreign Affairs Committee. She was identified for Ford by Georgia Congressman Frank B. Whelchel of Gainesville, and the two finally met one night when President Roosevelt addressed a joint session of Congress. The Fords now live in Jackson where the former Congressman practices law.

Gertrude Castellow Ford has had a career in her own right. She is a scholar in English literature and has spoken to literary clubs, high schools and colleges, primarily on the authorship of the works of William Shakespeare. In her book, *A Rose By Any Name* (1965), she contends that Edward de Vere, the seventeenth Earl of Oxford, was the real author of Shakespeare's works. A recent play entitled *Masquerade*, which was presented in Jackson, Mississippi, in July 1971 and in New York in No-

vember 1971, is based on Mrs. Ford's book.

In 1936, tired of public office, weary of facing a campaign against a serious contender he had defeated by only 2,000 votes two years before, apparently having lost whatever earlier enthusiasm his voting record suggests that he had for the New Deal, and unable to stop the march of the new order, Castellow declined to run for re-election. He had never really enjoyed politics, and may have harbored resentment against some of its practitioners. On a trip around the world in 1939, he found himself in London just as World War II was beginning. While there, a police officer offered him the use of a gas mask, and Castellow inquired if he could take it home with him. When the officer explained that Castellow would have no need for it in America, the latter replied: "You don't seem to understand—next year is a political year at home. The mask will be needed much worse there than here."

Castellow was in Madrid when the war broke out in September, 1939, and he predicted with amazing accuracy what America's response to it would be. In an account of this trip around the world, he recalled his remarks made to a traveling companion at the time: "Our entry into this war is inevitable. This being true, I know what we should do; and I know, too, what we will and will not do. We should immediately convert our automobile factories and all available plants into the manufacture of airplanes, tanks, guns, ammunition and war supplies; and ship them over here, while England and France have plenty of men to use them. If we'll do that now, we'll never have to send one of our boys across. But we won't do that. We'll wait until England and France are practically beaten, and do then the thing that should be done now. In addition, we will send our boys along with the supplies."

After his retirement from Congress, Castellow devoted much of his time to hunting, one of his favorite pastimes. His second trip around the world in the 1930s included big-game hunting in Africa. He enjoyed hunting there, and his daughter later recalled that one of Castellow's few childhood possessions was a book about Stanley and Livingston in Africa. He also hunted bear and moose in Alaska and tigers in India. His travel and speeches as a member of the Interparliamentary Congress, as well

as his hunting, took him all over the world. His trophies graced the rooms of his Cuthbert home, and some were even displayed at the Georgia State Capitol Museum. He once remarked that he wished he had lived in the days of Daniel Boone, or perhaps Davy Crockett, days of the outdoors: "Love of liberty and of freedom of action have always exerted an irresistible influence on my life. Consequently, I'm never happier than when in the wilderness where nature's law is supreme and freedom of action goes unchallenged."

In 1946, Castellow married Miss Katherine Hutton, formerly of Greensboro, North Carolina. Castellow had met Miss Hutton at the First Baptist Church in Cuthbert where she led the choir. She had taught piano and other subjects at Greensboro College, where she had received her B.M. degree in piano. She had come to Cuthbert to Andrew College where she taught singing and theoretical music and was director of the Glee Club until her marriage. She has entered students in singing competitions, and they have won many contests and awards.

The second Mrs. Castellow has studied piano and singing with outstanding pianists, composers, conductors, and voice teachers. They include Mortimer Browning, the great Australian Percy Granger, and Charles Troxell. She also studied at the A.Y. Cornell Master School of Singing in New York, and still teaches singing to many students, free of charge.

A remarkable woman, Mrs. Castellow was selected by the American Biographical Institute of Raleigh, North Carolina, to appear in the 1970 and 1971 editions of *Personalities of the South*, an annual publication recognizing outstanding Southern leaders in many fields. She will also appear in the 1972 edition of the *Dictionary of International Biography* and has won a number of awards for distinguished achievement in her chosen field.

After the Castellows were married they traveled a great deal and lived in Arizona for a year before returning to Cuthbert. An extraordinarily devoted couple, their marriage was a model of success, as Mrs. Castellow later reflected: "All of my memories are happy ones. Together we were thankful for everything." A friend later wrote that their marriage "opened up new interests for both of them. He had bade goodbye to politics and ended his world



travels. She had left the schoolroom. In the renovation of an old Southern home ..., they planned and worked together." She shared his love of nature and the outdoors, and he appreciated her love for music, encouraging her teaching in their home and attending practices and recitals of her students there.

On July 23, 1962, six days before he would have been 86 years old, Castellow died in Cuthbert, ending a rich life later described by a churchman as "a long journey upward," dedicated to the ideal that "all men might live together in harmony and love."

After Castellow's death, testimonials to his memory were sent to his widow by many people who cherished his friendship. A few friends recalled his uncanny foresight about his country and the world, "almost as though he had a gift of prophecy," one wrote. Former Congressman E. L. Forrester of Georgia wrote to Mrs. Castellow: "He was truly a prophet. The world and our United States could have been spared many heartaches and future troubles if they had listened to him. I well remember how he tried to warn the people." Senator Herman Talmadge praised Castellow for his "innate, sound, common sense and fierce love of his country,"

and his remarkable foresight concerning his fears of bureaucracy, big government, and fiscal irresponsibility. Mills B. Lane, Jr., of Citizens and Southern National Bank recalled Castellow as having "one of those rare keen insights of a practical nature in world affairs."

Others remarked on Castellow's sense of honor and public spiritedness, "whose quietness revealed his strength, whose humility ennobled his power, whose integrity enhanced his greatness." Attorneys who were involved in litigation when Castellow was Solicitor General recalled that he "hit hard, but he always hit fair." One remembered that he had "never sought to obscure any truth that was to the benefit of the accused," so great was his commitment to justice. Many testified to Castellow's concern for people of all walks of life. One friend recalled his "sincere desire to help anyone in trouble," regardless of his station in life. Indeed, only a few really knew of Castellow's many kindness, and friends praised his reluctance to mention them. They admired his quiet modesty and genuine humility.

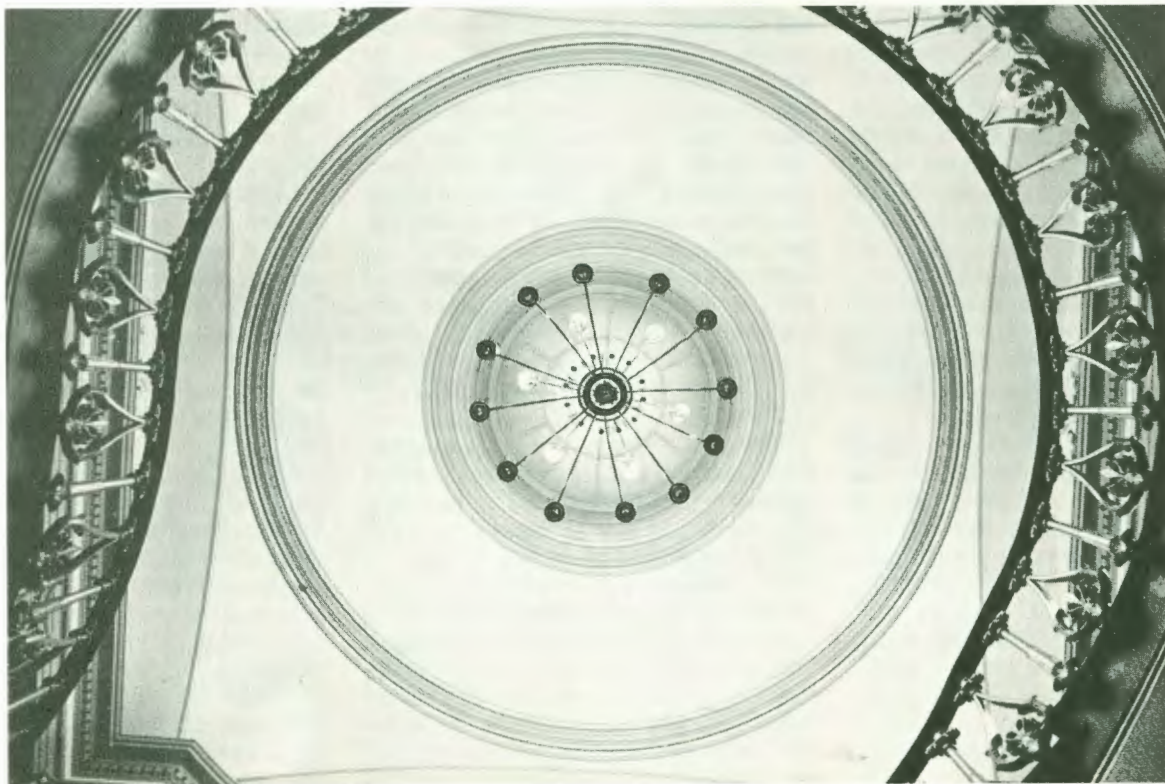
Everyone who knew him respected Castellow's sincere religious practices, belief in the teachings of the Bible, and

love of God. All these commitments enriched his life and were reflected in his treatment of his fellows.

While some, like the late Senator Richard Russell, lamented Castellow's passing as "a great loss to our state and nation," others found solace in that "his spirit lives on," and "Georgians were richer because he lived and labored there."

In assessing the life of Castellow, the spoken and written record have offered much testimony. In his conscientious devotion to what he believed was best for his people and the world, his obvious love for his fellows, his record of public service, devotion to his church and family, concern for the less fortunate, his honesty, integrity, and commitment to man's best instincts, the extraordinary respect and devotion that many had for him, the record has rendered judgment on Bryant Thomas Castellow. For his friends, family and fellow Georgians, perhaps he best summed up his place in their hearts: "By the moral and intellectual worth of its citizenship only can a nation's greatness be measured. Whoever contributes thereto becomes mankind's greatest benefactor."

*The preceding is the first of a series of biographies of outstanding Law School graduates which will appear irregularly in the ADVOCATE. All contributions of this nature will be welcome.*





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