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University of Georgia School of Law

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GEORGIA

# Advocate

VOL. 6 NO. 2 UNIVERSITY OF GEORGIA SCHOOL OF LAW, ATHENS, GEORGIA

FALL II

## MOOT COURT TEAM WINS REGIONALS



**Bill Clineberg**  
"Best Oralist"

The University of Georgia School of Law has at last put an end to the long domination by Florida schools over the regional round of the National Moot Court Competition. In the Final Round held in the United States Court House in Atlanta the Georgia Law School Team composed of James L. Paul, William A. Clineburg, Walton B. Hallowes, and Fred K. Harvey won a unanimous decision over the team from the University of Florida. In getting to the Final Round, the Georgia team defeated Cumberland Law School and Florida State University.

The Final Round was before Judge Elbert Tuttle of the Fifth Circuit Court of Appeals, Judge Newell Edenfield of the United States District Court, and Judge Jack Etheridge of the Fulton County Superior Court. The hypothetical case concerned the discipline of students by a private university following

a demonstration in front of the school's chapel. Representing the respondent - university, Mr. Paul and Mr. Clineburg presented the final winning argument for the Law School Team. Mr. Clineburg won the award for the best oral presentation.

The states comprising Region Seven are Mississippi, Alabama, Florida and Georgia. The participants in the competition were Florida State, Mercer, Mississippi, Cumberland, Alabama, Miami, Florida, Emory and Georgia. In the 1968 competition, Georgia lost to Florida in the Semifinal round and Miami topped Florida as winner in the Final round.

The Georgia Team will now compete in the Final Round of the National Competition held in New York during the week of December 15. This Final Round is composed of teams who won their respective regional competitions around the

country.

For the team members this is the culmination of two years of successful moot court work. Mr. Paul and Mr. Clineburg were members of last year's team that won first and second in the state championship. Mr. Hallowes represented the school in the International Law competition in Charlottesville, Virginia, and Mr. Harvey placed high in last year's school competition. As a team these members have been working hard on the National Problem since early September. This work has been done under the critical and constructive supervision of the faculty advisor, Mr. Mack Player.

All who have heard the team can testify to their outstanding ability. For a job well done the Law School, the University, and the State are proud of them. Best of luck in New York.

## New Degree Program Proposed

This fall, the Law School has presented a proposal to the trustees to create a program of study leading toward the degree of Master of Comparative Law.

The objective of the proposal is "to provide persons trained in a system of law other than the Anglo-American Legal System with a basis for studying and comparing the common law system with their own."

According to Dean Cowen's office, the program is contemplated in response to fifteen to twenty inquiries received by the School of Law each year from foreign students concerning such a curriculum. In-

stitution of such a program, it is felt would be beneficial to the profession, students, and faculty, in that "... the publication of research projects generated by this program would aid materially domestic research in the field of Comparative law."

The Law School is uniquely prepared to support such a program through its outstanding International and Comparative Law collection in the English language, and basic foreign language texts and treatises. These can be used by foreign students as primary resource materials "in their own systems in

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# Dean's Corner

By  
Lindsey Cowen  
Dean

The University of Georgia School of Law, despite the fact that only two and a half years ago it occupied a new building providing seven times the space previously available, is already handicapped in its programs because of crowded conditions! The situation this year is tight; next year, unless relief is forthcoming, it will be critical, and shortly thereafter it will be desperate!

When this information, in less dramatic terms, was conveyed to the members of the Law School Association at the annual meeting last June, it caught many people by surprise, and some simply were not prepared to believe that this was possible. Yet, all must concede that when the first plans for the new building were made some seven to eight years ago, no one foresaw, nor could they have foreseen, the rapid development of the School made possible by unusually strong support, both public and private.

Take the Law Library, for example. It was designed to meet the projected space needs of the library staff and collection through 1985. Present estimates on actual capacity range from 200,000 to 225,000 volumes, but as early as this fiscal year we expect the collection to exceed 175,000 volumes, leaving space for a maximum of 50,000 more volumes--but perhaps only 25,000 more. During the next few years we anticipate that our normal accession rate will be between 12,000 and 15,000 volumes. Consequently, we will have exhausted our available book space in no more than four years (1974), and we may reach that point in no more than two (1972). Obviously, we are faced with an immediate need not only of planning but also of obtaining in fact substant-

# Editorial

The *GEORGIA ADVOCATE* is continually considering means of encouraging rational discussion of ideas which should be of concern to lawyers and law students. Even if it seems our purpose is to control, we purport ideally, to provoke. In light of next fall's gubernatorial election, the editors are contemplating the indorsement of a candidate. In preparation for this, a number of editorials this year will be directed toward what the *ADVOCATE* feels are desideratum in a candidate.

There is continuing discussion in political science circles of how the elected official should approach his job. Should he represent by reflecting the people's attitudes, or by leading in the formation of these attitudes. The growing needs of our state are such as to preclude any place for one whose primary concern is the maintenance of a *SAFE* political alignment. But we do need a leader whose ability and creativity will convince the people to give him their trust.

It will not be enough for our next Governor to hold an office; he must lead the state. The answers to the demands of Georgia citizens are no longer simple, evidenced by such developments as a nearly completed interstate highway system, parks and recreational facilities from Blairsville to Jekyll Island, a Peachtree Center which is advertised nationally, and increasing concern for the rights of minorities. The next Governor must not only attend barbeques and visit with the hometown folks, he must lead the people of this State into the Nation.

It will not be enough that the Governor of Georgia be Governor only of white Georgians. With a Black population of approximately 35%, it is deceptive to speak of Georgia moving ahead if all the citizens of Georgia do not share in the progress.

And the days are over when the Governor could satisfy the citizens of Georgia by sitting under the gold Capital dome and making superficial pronouncements and paper threats to the federal government.

Georgia will best be served by one who is conscious of state needs and can see them in a national perspective. This will require the thought and reflection not only of the people but also of those who seek the office.

WBH

## GEORGIA

# Advocate

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ial additional library stack space. The housing conditions of the library staff present a similar problem. Since 1964, this staff has grown from two to twenty people. Law librarians and clerical personnel must now occupy spaces

originally planned for reserve books, microcard readers, informal study, and Law Review offices. In addition, at least one library clerk has a desk in a hall where she must face the distractions of

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## Black Leader Speaks

John Dean, Director of the Democratic National Committee's Minorities Division, spoke to a scanty audience in the Hatton Lovejoy courtroom last Thursday, 20 November. Under the sponsorship of the Law Forum, Mr. Dean addressed himself to the awareness that Black people have achieved and the consequent impact on political power in this country.

He said that Black people have finally become aware of themselves. Dean noted further that Blacks are aware that this country could not have survived without the slave labor of a century ago.

A native of the Baltimore ghettos and a Phi Beta Kappa at Howard University in Washington, Mr. Dean characterized his present effort as the development of "what other Black people feel." Since his appointment last June, Dean has elicited the opinions of elected Black leaders and men on the street in fifteen states. He suggested that a recognition is requisite to a political system that chooses its own destiny.

According to Dean, his various interviews indicate that there is yet strong faith in the American political system among the Black Community.

Those interviews indicate, however, that Blacks are also aware that the American-police mentality centers more on the effects of crime than on the sources; that the Janes and Dicks of grammar school books are invariably white kids in white suburbia; and that Black capitalism is really a farce.

From this sort of alienation Black people are moving to a redefinition of purpose. That purpose is mingled in the national political fabric. There may never be a Black General Motors, Dean added, but the political structure is amenable to our ideas.

Those ideas, he continued, are basically to reject tokenism and being taken for granted. The drive now is to increase the number of Black elected officials on the local and state levels. We may expect to see more political organization

and participation in state politics among Blacks in the next decade, Dean predicted.

On the inevitable question of how Blacks and Whites may reach a profitable and peaceable involvement together, Mr. Dean commented that the Whites must cease looking toward the Blacks for solutions, for the Black people are looking toward themselves now. The White people are obligated to look toward themselves, and move toward improvements, themselves.

Dean concluded that the Black people aren't quashed so as to inspire revolution and destruction, and if the White students don't reduce this government to a facism, we may be able to pursue a democratic government in this country yet; it all depends on whether the nation can wake up to the frustration that accompanies growing up Black.

## Dean Rusk Visits Ga. Law School

Former Secretary of State Dean Rusk visited the Law School during a recent trip to the state for a round of speeches. The former Secretary is now associated with the Rockefeller Foundation and is presently completing work on his oral biographies of former Presidents Kennedy and Johnson.

The visit was private and unannounced. Mr. Rusk met University President Fred C. Davison and toured the Law School facilities with Dean Lindsey Cowen. According to Dean Cowen, Mr. Rusk, an expert on international law, was especially impressed with the resources of the Law Library. "I feel quite certain, he was impressed with our strong, international and comparative law collections," the Dean observed.

Mr. Rusk's visit was brief and cordial. Many law students were quite surprised to personally meet a man who has been instrumental in the formulation of United States foreign policy.

## Stag Film Raises Many Legal Issues

A journalist, called by one audience observer "the intelligent conservative's answer to Al Capp," told law students Thursday, October 30, that "pornography is a corruptive influence on society" and that "government has the power to punish such substantive evils."

The address was sponsored by the Law Forum. James J. Kilpatrick, long-time editor of the RICHMOND NEWS LEADER, spoke. One student labelled his appearance "treat" for Halloween. The students later got their "trick" for the evening when cartoonist Al Capp spoke at the Coliseum.

Kilpatrick did indeed bring a "treat" with him, an 8mm stag film entitled "Cassandra", which showed the audience "everything"!

Kilpatrick was presenting the movie in the role of judge, prosecutor, and defense counsel, though he admitted that he was biased for the prosecution, saying that men who distribute and show such fare should be prosecuted.

Summarizing the arguments of prosecutors in prior cases, Kilpatrick then said the prosecutor would try to prove that the dominant theme of the film appeals to the "purient interests of the ordinary man," that it is "patently offensive," and that it is "utterly without redeeming social importance or artistic value." He told them to apply "contemporary community standards," noting that such standards constituted the basis for judging obscenity as defined by the Supreme Court.

Kilpatrick said defense counsel would ask the jury, the audience, several questions. Counsel would ask what harm the film produced, what wrong is committed in a free society by its showing, what evidence shows that men then ran out and committed bad acts and, finally, what community standard is violated, since a great variety of

## Faculty Forum

This column provides a place for interested faculty members to express ideas or develop interests.

Assistant Professor Yung F. Chiang is particularly qualified in the area of international law, having received lawdegrees from Taiwan University, Northwestern, and the University of Chicago.

The formation of the Georgia Society of International and Comparative Law last spring marked a milestone in the history of the Law School. To a majority of laymen, the first question is "what is international law?" To law students this question is (I certainly hope) too elementary to be discussed here. When, however, the students hear the terms "international law", some of the things that come to their minds are the Pueblo incident, recognition of Communist China or the United Nations. Students who have taken a course in international law will have acquired additional knowledge as to jurisdiction over a vessel, continental shelf, the International Court of Justice, etc. But at the end of the course, in many still lingers the question "Is international law not dead?"

One can reply by asking a more cynical question "Has international law ever lived?" Today, however, even the publicists in Communist countries who challenge the traditional "Western" view of international law do not deny the existence of international law.

Even accepting the premise that international law exists, it has not been attractive to many students who have dedicated their careers to countryside and neighborhood practice. They feel that international law only deals with head-line making international conflicts, and is only useful to politicians and lawyers in large ports. To them, it is not a "bread'n butter" course. Such view is hardly acceptable today. First, the subject matters of international law are not confined to intergovernmental problems. This century has witnessed the growth of international commerce and trade. Recently, investment abroad and monetary financing of lesser developed countries have al-

so become daily activities. Total United States private investment in Latin America alone will be about \$12 billion this year (The New York Times, June 12). Along with these business and economic activities, international law has also developed in solving legal problems that arise from such activities. As long as these activities continue to increase, no lawyer is immune from problems which look for solution to international law in its broad sense. Second, a lawyer who intends to devote himself to public service cannot ignore international problems. Very often, domestic problems are closely linked to international problems. For instance, the value (the purchasing power) of the currency is related to the balance of payment (of a nation), which is, in turn, closely tied to export and import trade. Export and import trade may be controlled by tariff, which is often subject to limitation or restriction imposed by international agreement. The importance of international law is self-explanatory for those who intend to practice in the area of international business, international investment, corporation law, maritime law and patent and copyright law.

Many prominent law schools have long seen the need of special attention to international and, closely connected, comparative law. Some have even established, besides offering courses on these subjects, special institutions, such as International Legal Studies of Harvard Law School, International Center of the University of Michigan Law School, or special programs, such as the Comparative Law Program and the Foreign Law Program at the University of Chicago.

The 1968-69 Harvard Law School Bulletin lists the following nineteen courses: International Legal Process; Public International Law; the Civil Law System; Comparison of Soviet and American Law; The Law of International Transactions and Relations; United Nations Law and Problems of World Order; Doing Business with Japan; Enforcing International Law; International

Aspects of U. S. Income Taxation; International Business Organizations; Soviet, Chinese and Western Approaches to International Law; Tax Reform in Developing Countries; International Administration; International Air Law; Law and the Use of the Ocean; International Protection of Human Rights; Inter-

If "the people of Georgia want national Business Problems; Legal Aspects of the Common Market; the Modernization of Law in East Asia. Among them only three were not offered in that academic year. Many other law schools also offer an impressive number of similar courses. It is not exaggerated to say that there is no prominent law school which has no emphasis on this field and deserve nothing short of the best," and if "the University of Georgia School of Law is . . . to be one of such excellence that no citizen of Georgia need ever leave his state because a superior legal education is available elsewhere," our Law School cannot ignore teaching and research in this field. Our LL.M. and M. C. L. programs should be available in this area. Many lawyers abroad seek their graduate study in this country in the field of international trade and business. Dean Cowen and many professors were aware of the trend and the role of the Law School in the near future when the Law School was endowed with one million dollars to expand the law library. They supported the Library Committee's decision to acquire international and foreign law materials. So far, two hundred thousand dollars worth of foreign law and international law books and periodicals have been acquired. (Our Law Library stands at the tenth among the law libraries in the nation.)

The formation of the Georgia Society of International Law and the Society's decision to publish the GEORGIA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW indicates that more and more students of this Law School are now interested in this area.

With our library acquisitions, we should now be equipped with an ex-

## Dr. Green's Portrait Presented

On Friday, November 14, 1969 the University of Georgia was presented a portrait of Thomas F. Green, Jr., Alumni Foundation Distinguished Professor of Law Emeritus. The portrait by Frank C. Bensing of New York City was commissioned by the University of Georgia Law School Association to honor Dr. Green and to express the gratitude and appreciation of his former students and colleagues at the bar. President Fred C. Davison accepted the portrait on behalf of the University.

Dr. Green received his LL.B. from the University of Georgia in 1927, and after two years of practice in Athens, joined the faculty of the School of Law as an Associate Professor. He was awarded his J. S. D. by the University of Chicago in 1931, and promoted by the University of Georgia to Professor of Law in 1932. In 1967 Dr. Green was designated Alumni Foundation Distinguished Professor of Law, and in June 1969, upon his retirement after forty years of service as a member of the law faculty, he was awarded emeritus status.

Joining the Georgia Law School faculty as its junior member, Dr. Green traveled for short periods

as a visiting professor at Vanderbilt, Mercer, University of Texas, University of North Carolina, George Washington University, and Emory University before retiring as the University of Georgia Law School's senior faculty member. Over this period of years, which has seen our law school grow from a faculty of about six and a graduating class of twelve, Dr. Green has stimulated many of those who are now judges, congressmen, and leaders at the bar. Among such notables are former Georgia Governors, Arnall, Talmadge, Vandiver, and Sanders.

Dr. Green instituted the courses in Legislation and Taxation at the Law School of the University of Georgia, and taught most of the other courses offered. His studies in various fields of law have been published in over thirty articles, books, and pamphlets. More recently he has specialized in the field of Evidence and Procedure. His work in this area has been such as to cause Professor Charles Alan Wright of the University of Texas to comment:

"Much of the leadership in evidence reform has been provided by Professor Thomas F. Green, Jr., of the University of Geor-

gia Law School, who for more than a quarter of a century has been pointing out the needs and opportunities for improvement in the law of evidence."

Involvement in the rules of evidence began for Dr. Green in 1940 when he won the American Bar Association's contest for the Ross Essay Prize on "To what extent may courts under their rule-making power prescribe rules of evidence?" In 1941 he published an article in the Harvard Law Review suggesting that a separate set of court rules should be issued to form a code of evidence. By 1961 interest in judicial rule-making had become widespread, and United States Supreme Court Chief Justice Warren appointed a committee to look into the feasibility and desirability of federal rules of evidence. Dr. Green's study for this committee was published in 1962, and the committee recommended that federal evidence rules be drafted. Dr. Green was appointed to a separate drafting committee, and the draft prepared by this committee is now being considered for promulgation by the United States Supreme Court.

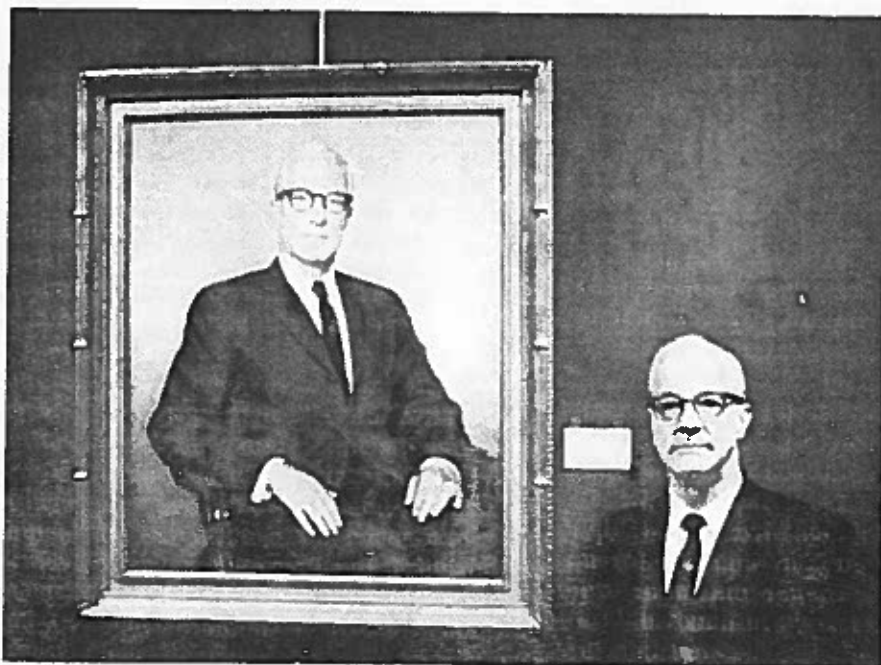
The Portrait Presentation is certainly a fitting tribute to Thomas Fitzgerald Green, Jr., one of Georgia's foremost legal educators.

## Art Committee Activities Set

Last year a committee was formed by interested students to bring art to the Law School. So far this year the Committee has presented several shows by professors and graduate students from the Art School.

Because of the great interest of the Committee and the acquisition of an insurance policy, the committee hopes to continue to find sources of art that people are willing to loan to the Law School.

From December 1st through 12th some of the many drawings of Howard Cook will be shown here, on loan from the University of Georgia Museum of Art.



DR. GREEN - WITH PORTRAIT

## DEAN

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a wall-less office. The library staff may not have to grow much larger, but it is clear that something should be done soon about its inadequate housing.

Finally, insofar as the law Library is concerned, is the question of seating space for students and other users. We are required by accreditation rules to provide seating space for 65% of the student body. So long as this remains under 500, we are in no particular difficulty since seating space for approximately 325 was originally planned. However, as we exceed 500, we will have to provide proportionate additional space if we are to maintain our accreditation-which, of course, we must do. At the beginning of this year, we enrolled 406 students; we fully expect to have a student body in excess of 450 in the fall of 1970, and the 500 mark should be reached by the fall of 1971. At that point, we must either level off our admissions, which will require us to deny admission to qualified Georgians, or provide additional reading room space. We do not believe such space can be found within the walls of the present structure.

These projected additions to the student body will, fortunately, not cause us additional problems with regard to classrooms. The auditorium, although inadequately lighted for classroom purposes, does convert into two large classrooms. And when we are in a position to reclaim for instructional purposes two seminar rooms now used as office spaces, our instructional facilities will apparently be adequate for the foreseeable future. It has been estimated that these combined spaces will accommodate a student body of 750, although in larger sized sections than most of us deem desirable.

Office space, however, is something else again. This year we accomplished several moves which resulted in some activities being housed in smaller spaces-much to their regret and inconvenience. This permitted us to recover a much-

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# Appellate Practice Program

The Appellate Practice program at the University of Georgia is one of the brightest phases in the legal training available to students at the second-year level. Established only three years ago, it began as an extension to the legal writing segment of the general curriculum which had no apparatus for organized and deep reaching appellate research and oral exposition. At that time Law Day preparation and arguments were strictly voluntary and there was no intensive school supervision or prospectus for selecting and developing those students with a high potential for appellate advocacy. From this position the faculty decided on a required appellate program on a pass-fail basis for no credit. Last year this arrangement was supplanted by a graded two hour, two quarter course of study. This involved a provision for each student to prepare a minimum of two appellate cases. Each second year student had to write two briefs and give two oral arguments. This year the program has matured into a fully organized program. Feeling that it was necessary to put future lawyers on their feet as much as possible, actively arguing points of law in the courtroom before graduation, the requirements for the current year involve the preparation of three briefs and the adversary argument before three-judge panels four times within the two quarter course.

With this evolution over the past three years has come an extraordinary opportunity for each student to become familiar with the techniques and requirements necessary for success before judges in the appellate courts. It requires that each student-lawyer legalistically express himself in writing by way of a brief submitted to the court and his opposing counsel and orally while under fire from a panel of judges.

To the student, the obvious advantages of such a highly developed course are distinct. Not only does it

allow the top members of the class to further develop their skills, but it gives all members of the class essential experience and an opportunity to excel outside the confines of the classroom. In addition, it may offer future direction to a substantial portion of the class not involved in law review work and to those simply stimulated by competition.

In addition to this function, the Appellate Practice Program now gives a valid basis for the selection of national and state moot court teams. This includes selection of the National Moot Court team members.

Not only does the individual develop his personal skills by individual preparation and argument, but two of the three briefs and presentations involve team development of an appellate case. This includes responsive briefs drafted and delivered in two man teams. Again, they are scored by three judge panels, requiring the logical presentation of legal theories to yield a conclusion which must be defended after challenge by the opposing counsel and the judge's scrutiny. This exercise in legal problem analyzing, writing and speech is invaluable to the young attorney.

This program is largely student administered, third year members of the moot court board serving as judges and grading briefs and arguments. It is one area of practical experience in which the Georgia Law School leads the state. In fact, Professor Player, who is largely responsible for the emergent nature of the University's program, has said: "Many top schools throughout the country have placed considerable emphasis on advocacy programs and many are highly developed in nature. Ours, however, is one of the most complete." Both second and third year students derive unparalleled experience from the program.

# Senator Goodell Visits Georgia



"In some areas, preventive detention is justified for a very short time," said Senator Charles Goodell (R.-N. Y.) who spoke to a capacity, coffee drinking crowd in the law student lounge, Friday afternoon, November 14. Goodell's visit to the University of Georgia was part of the moratorium activities and his visit to the Law School was sponsored by the Law Forum.

Goodell, described as a moderate Republican, was appointed to fill the unexpired term of the late Robert Kennedy. A former college professor, the Senator holds degrees from Williams College and the Yale Law School. Goodell is serving on the Banking and Currency Committee, the Commerce Committee and the Committee on the District of Columbia. His relevance to the moratorium activities is through a Bill which he introduced in the Senate providing for total withdrawal of American troops in Vietnam by Dec. 2, 1970.

Goodell said that our system of Bails needs revising. Bails are, in effect, a preventive detention for those poor who are unable to raise the money. He explained that preventative detention is justifiable only if those persons so detained are given preference in the scheduling of their trials, "say within 30 days".

Goodell said that if the two major parties don't respond to the problems of the people "they will become

defunct." On Civil Rights the Senator said that the "Leadership in the justice department wants to slow these things down." He hastened to add that Attorney General Mitchell doesn't want to reverse the progress that has been made.

The Senator said that a U. S. Senator should not insist that a Supreme Court Justice agree with his judicial philosophy. Later, however, Goodell paradoxically said that he opposed Haynesworth for just such a reason.

Earlier on Friday Goodell addressed a crowd of over 1,000 in the Fine Arts Building auditorium. The essence of his speech, in his words: "It's time that America told South Viet-Nam to shape up--we're shipping out."

The Senator was heavily critical of Vice-President Agnew. He began his speech with: "my fellow merchants of hate and parasites of passion," in mockery of previous statements by the vice-president criticizing dissenters.

Senator Goodell was also critical of President Nixon's Viet Nam speech on November 3. The senator enumerated four points of disagreement.

- (1) that the U. S. can "Brutalize North Viet Nam into concessions"
- (2) that, by force of persuasion, the U. S. can change the nature of the Saigon government
- (3) that vital U. S. interests are inherent in South Viet Nam
- (4) that American people will continue to support large numbers of U. S. troops in Viet Nam

Goodell charges: "To oppose communism in North Viet Nam we supported corruption in South Viet Nam."

One of the Senator's most revealing and original concepts in his speech was his statement that "Even the University of Georgia football team is mortal."

## OBSCENITY Continued from Page 3

tastes exist in the community.

To which the prosecutor would counter, said Kilpatrick, with the two basic points central to his own view that "the cumulative effect of the sale of such (films) tends to corrupt the moral fabric of society."

After Kilpatrick instructed the jury on the points necessary for a conviction, he was surprised to see a majority of the law students present vote for the acquittal of the film's distributor.

Asked later why he voted guilty, one student said, "Such stuff is harmful to the general public. It should be reserved for civic clubs and fraternities who can pay for such entertainment live and in the flesh."

Asked why he voted "not guilty" another student commented, "after continuing to perpetrate the obscenities of Vietnam on starving children, the leaders and members of this society have little basis on which to run around attacking the exhibition of the human body."

Kilpatrick later quipped that he would have struck all law students as prospective jurors had he been involved in an actual case. In fact, he said, the conviction of the distributor of a similar film in California had been overturned by the Supreme Court in a 5-4 decision.

Kilpatrick blamed the court for muddying the waters over obscenity in its rulings since 1957. Justices Black and Douglas, the journalist said, believe the First Amendment means "no law."

Kilpatrick said that Chief Justice Warren edged toward what might be the proper solution in affirming the conviction of Ralph Ginsberg for "pandering".

Although Kilpatrick said Warren was "arguing his way out of a chaos to which he had contributed," the proper question for him was whether or not the author or seller intended to commercialize on the purely carnal interests. The law, said Kilpatrick, "should concentrate on commercialism, not pornography itself." He said he does

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## Pad "Outstanding Chapter" Award

The Stephens Chapter at the University of Georgia has been named "Outstanding Chapter for 1969" in its District by the National Officers of Phi Alpha Delta. This award is presented each year to the chapters which best exemplify the high ideals of the Fraternity. Phi Alpha Delta, Stephens Chapter, proudly accepts this honor, and vows to continue making valuable contributions to its members, the Law School, and the Legal profession.

The Brothers of Stephens Chapter have recently elected officers for the coming year. Those brothers elected to lead the chapter include: Craig Goodman, Justice; Robert Adamson, Vice Justice; Gil Hudnall, Treasurer; and Michael May, Secretary. Certain other brothers have been appointed to fill key Director positions. Those include: Rollin Mallernee and Tom Cook, Rush Directors; Bill Callaway and Johnny Mostiler, Social

Directors; Ernest Kirk, Academic Aid Director; and David Ginn, Legal Research Director.

For the second consecutive year, Phi Alpha Delta has published a Law School Directory. The faculty and student response to this year's Directory has been excellent and it looks like the Directory is here to stay. The Directory not only serves a useful function to the Law School, but also provides PAD with funds for the Phi Alpha Delta Scholarship program. From this program deserving members are awarded scholarships each year.

The Phi Alpha Delta Legal Research Program is in full swing again providing members with valuable practical experience plus economic gain. Under this program, attorneys throughout the state send in problems they need researched, and for a small fee this work is rapidly and efficiently done. A percentage of the fee charged is placed in the PAD scholarship fund.

## Gov. Maddox Visits

On Thursday, November 6, a packed house at the Memorial Hall ballroom eagerly awaited Governor Lester Garfield Maddox's arrival.

The first section of the address was devoted to the second Vietnam War Moratorium. Participation in the protest was denounced as "aiding and abetting the enemy." The long range goal of the Moratorium is "to overthrow the government of the United States and replace it with a form of communism-which form has not been decided."

While the Governor readily and repeatedly admitted that it was a mistake for the United States to intervene in Vietnam, he also stated that now that we are committed we must support the war effort. Therefore, in supporting the Moratorium, the Governor feels, people are committing "accidental treason." Others, such as certain

organizers of the War protest, are committing "deliberate treason." Certain of the Moratorium's organizers were singled out as either communists, socialists or ranking officials in various communist-front organizations. On the subject of communism Gov. Maddox stated, "we feed, house and clothe it in Washington, D. C." This little nugget of knowledge elicited numerous guffaws and several old-time movie hisses. When the laughter continued Mr. Maddox exclaimed, "If you're not decent enough to act like young ladies and I should go, or you should go, or you should shut up." Nonetheless, the Governor did not walk out and the evening was saved.

The Governor, who, after a slow beginning did an excellent job of public speaking, also used the opportunity to state some caustic witticisms such as "Cartoons are funny until you get into them." After relating how someone had mistaken him as a reporter for the At-

**OBSCENITY** Continued from Page 7  
not object to Hugh Hefner and his "advice to love-lorn playboys," nor to many of the movies seen today, of which he cited "Inga" and "I, A Woman." However, he brought examples of objectionable items, including the film shown and encyclopedias and diaries of erotica.

During the question and answer period, Kilpatrick said that the news stories about the healthy situation in Denmark with legalized pornography look like "planted stories."

He also mentioned that he did not object to individual states' prosecuting for pornography, although citizens "can go to another state" if they want such material." He based this comment on his concept of "federalism."

However, most of the audience missed these and other remarks since the question and answer period followed the film. As one first year law student, requesting anonymity, cracked, "Now that the movie is over, look at all the people who are leaving."

lanta Constitution he cracked, "Now I know I've been called everything."

He ended the first half of his address by labeling the War protestors as "misinformed, misguided, mistaken, anti-freedom, anti-God who take advantage of the good nature of the majority."

The second portion of the address was devoted to enumerating the various accomplishments of the Maddox administration. This was the same material which the Governor had presented on his last visit to the campus some two months ago. In his first two years in office the Governor has raised both teacher and professor salaries in the state. Taxpayer money has been saved by allowing legal work to be done by the state legal department rather than paying additional legal consultation fees. In addition, a concerted effort is being made to begin a deluxe four-lane highway between Ath-

## Legal Fraternity Rush Results

Legal fraternity rush has become fall quarter excuse for socializing. The spirit of rivalry between the two fraternities is traditionally very subdued and the first year law student merely selects the group with whom he feels most compatible.

Last year the legal fraternity rush program took on a flavor which many felt was very similar to undergraduate rush.

In contrast to last year, this year's rush emphasized the choice between the philosophies of the fraternities. Phi Delta Phi puts its main emphasis on social entertainment. Phi Alpha Delta strongly emphasizes entertainment as well, but also provides services for aiding its members in the classroom and in development of their professional abilities.

By using this more positive approach, the fraternities provided an opportunity for the student to match his desires with the program offered by the fraternities. After two weeks of rush programs, the first year students made their choice on October seventeenth. PAD received approximately fifty new pledges while PDP received approximately one hundred. Some sixty students decided to pledge either of the organizations.

## NEW DEGREE

Continued from Page 1

their own native languages." According to Dean Lindsey Cowen, much time and money has been invested in consultation with experts on the building of such a resource collection, and it is recognized as an excellent one."

If approved, the program will begin with four students. It will reach an enrollment of eight by the third year, and continue to grow as the School of Law joins the ranks of such well-known institutions as the Universities of Texas, Pennsylvania, and Virginia in establishing programs in the study of International and Comparative Law.

## Law Review Rips Faculty

The Law Review Sweet Rolls defeated the Faculty Fandangos in their annual game on 9 November. The challengers met at Professor Robert Leavell's Mini-Ponderosa in Washington, Georgia. All the big-time sportscasters were there - such public offenders as NDC, CDS, ADC and, of course, the ADVOCATE, represented masterfully by the Incredible Hulk (Tom Jones).

As news of the game reached the Law School there was hardly a comment. The Fandangos suffered a few injuries, and softies on both sides left the scene of battle with thoughts of heating pads and ointment. The final tally gave the Sweet Rolls 34, the Fandangos 13.

## DEAN

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needed classroom previously used for another purpose; but the cost was an office space previously available for faculty expansion.

Similarly, as we reconvert our seminar rooms for the purpose originally intended, we will further complicate the office situation. At present there is no space in the Law Building to which these activities could be moved except those spaces on the ground floor now occupied by the Institute of Government. At this moment the Institute, no longer formally a part of the School of Law, has no place to which to move.

This situation, already bad, will become almost impossible in September 1970 if we are able to effect a net increase of five in the size of the law faculty. This we must do if we are to maintain an appropriate faculty-student ratio - and for the same reason add five more over the following two-year period.

Nothing has been said about new programs; obviously there is more to our problem. But it must be very apparent that our problems are serious and that much must be done by the law faculty, the University administration, and the Regents if a crisis of major proportions is to be avoided.

## Local Scholarship Winner Announced

In keeping with the law school's efforts to provide more scholarship assistance for deserving students, Stephens Chapter of Phi Alpha Delta Law Fraternity has initiated a local scholarship fund. The program was begun in the spring of 1969 and the first scholarship awarded this fall to Charles (Chuck) Flinn, a third-year student. This initial award was \$100 but \$500 has already been put into the fund for future awards. Brothers of Stephens Chapter are eligible for the several scholarships which will be awarded annually. Selection is based primarily on need, secondarily on service to the fraternity and extra-curricular activity in the law school. The fund is composed of money from the chapter's Legal Research Service and from alumni donations which are earmarked for the fund. A spokesman for the chapter said, "Stephens Chapter is proud to be able to serve the law school, the fraternity and the brothers in this manner."

## GOV. MADDUX

Continued from Page 8

ens and Atlanta. In the thirty-four months of the Maddox administration nineteen public works camps have been closed as contrasted to only seventeen closings in the previous twenty-five years. The Governor also mentioned his efforts in combating a rise in gasoline taxes. One must congratulate the State's Chief Executive for the many positive contributions he has made and for his courage in entering the lion's den of Memorial Hall.

## FACULTY FORUM

Continued from Page 4

cellent machinery to produce outstanding product: lawyers in this field. To run these machines, fuel-instructors and researchers - is needed. Regretably, we are still short of instructors who will make themselves available in this field. It is hoped that this gap will be filled in the near future.

# International Negotiations - Who Is Friend And Enemy?

"The average U. S. negotiator will give away the Statue of Liberty in the first half-hour of negotiations," Col. Robert D. Peckham said as he addressed the Georgia Society of International and Comparative Law on Thursday, November 13, at the Law School. "U. S. negotiators," stated Peckham, "just do not have ability which comes with background and experience that negotiators of some of the older countries, both eastern and western, have." This experience dates back for centuries and the modern negotiators take great pride in their art.

Of course, international negotiations have changed a great deal since the days when "representatives could sail to France to bargain for the purchase of New Orleans and return with the entire Louisiana tract." There used to be a problem with sending negotiators out to bargain with other countries. How far could he go in his negotiations? This no longer presents a problem. "All he is is a mouthpiece for the government today," claimed Peckham, "he has a limited area in which to operate or negotiate and has a team of advisors standing over his shoulder and a hot-line to the State Department in the next room." The ability of a negotiator today is in his phraseology. He is merely stating in the most precise and calculated manner what his country's government has told him to say on each point. Today, with improved communications, a government representative cannot be on his own.

Negotiators must have defined limits within which to work. Within these areas, it is incumbent upon them and their advisors to: (1) determine the basic position of their governments; (2) determine how much concession they will try to get out of the other side; and (3) determine how far they may "fall

back" in their position. This latter determination is most important. There are usually several "fall back" positions with an ultimate position through which you cannot go. The opposition will try to drive you right through this last fall back position. At the same time, you must utilize your "acting" ability, always trying to convince the opposing party that you have reached your very last position.

This is often the predicament of the American negotiator. He cannot barter in this fashion and he lacks the experience and ability that the others have. Col. Peckham suggested that the U. S. negotiator subjects himself to the "devious element" of these other countries. "One does not necessarily play fair in negotiations;" stated Peckham, "you get what you can and you apply any devious method you can to get it."

Peckham, who has served as Legal Advisor to the United Nations Command in Korea, on the Status Forces Negotiating Team in Korea and as Chief of Italian Affairs

while he was in the Army, has negotiated with both friends and enemies. He suggests that it is sometimes difficult to tell with which you are dealing. Only time will tell. As Peckham discovered while dealing with the Koreans at Panmunjon the major problem with the oriental communist is that he does not negotiate in good faith. He is not interested in arriving at an agreement, rather he wants to make propaganda and "political hay" out of the negotiations. This tends to discourage the other side immediately. "The oriental communist," Peckham contends, "can be backed out on a limb with long hours of carefully phrased questions until you are ready to deliver the inescapable question which will render him defeat on a position he holds. At that point, rather than answer the question, he meets the issue with a non sequitur or will pose a counter-issue." The negotiations drag into tedious sessions of hopeless bickering with the parties sometimes trying to find new ways to take political advantage of or insult each other. Perhaps this is precisely what we are up against in Paris today. "The situation of hypocrisy and bad faith is not as strong yet in Paris as it is in Panmunjon;" said Peckham, "until it is, at least there is a table at which people can talk and not shoot."

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