



School of Law
UNIVERSITY OF GEORGIA

Prepare.
Connect.
Lead.

Digital Commons @ University of
Georgia School of Law

News @ UGA School of Law

Digital Archives

5-16-1966

Advocate, Summer 1966, Vol. 2, No. 4

Repository Citation

"Advocate, Summer 1966, Vol. 2, No. 4" (1966). *News @ UGA School of Law*. 74.
https://digitalcommons.law.uga.edu/lectures_pre_arch_archives_advocate/74

This Article is brought to you for free and open access by the Digital Archives at Digital Commons @ University of Georgia School of Law. It has been accepted for inclusion in News @ UGA School of Law by an authorized administrator of Digital Commons @ University of Georgia School of Law. [Please share how you have benefited from this access](#) For more information, please contact tstriepe@uga.edu.



ANNUAL LAW DAY OBSERVED

Activities and Awards of the Weekend

On Friday and Saturday, May 6 and 7, 1966, the School of Law observed Law Day in conjunction with Alumni Day and G-Day, sponsored by the Alumni Society and the Athletic Department. The observance began with the Moot Court Finals in the in the Federal Court Room. Participants in the finals were Clay Farnham-William Talmadge and William Gerard-Robert Matthews, the Farnham-Talmadge team being the victor. Judging the argument were the Honorable Griffin B. Bell, Judge of the United States Court of Appeals for the Fifth Judicial Circuit; the Honorable Benning M. Grice, Associate Justice of the Supreme Court of Georgia; and Judge Robert H. Hall of the Court of Appeals of Georgia. The Moot Court Finals were followed by an hour of refreshments and hospitality given at the Wagon Wheel by the students and faculty in honor of our law school alumni.

At 7:30 p.m. on Friday, the students, faculty, and alumni joined for the Law School Association Dinner in the Georgia Center for Continuing Education. Mr. Phillip H. Alston, Jr., of Atlanta, was presented with the Association's Distinguished Service Award.

The highlight of the weekend's activities was the Law Day observance in the University's historic chapel. As in past years, student officers and recipients of honors and prizes were recognized for their contributions to the Law School through their scholastic and extra-curricular activities. The following awards were announced: Lawyer's Title Award for excellence in field of real property to Daniel Coursey; Phi Alpha Delta presentation of winner of the Shinn Memorial Award

for the best casenote in the Georgia State Bar Journal to Jim Googe; Phi Delta Phi Awards: Highest Average in first year class of 1964-65 to Albert Ruehmann, and Outstanding Phi Delta Phi to Philip Etheridge; Daniel Coursey named member of Phi Kappa Phi; Named to *Who's Who* were Patrick J. Rice, Jerry J. Wall, and Norman Underwood; selected as members of Morris Order of Jurisprudence were Madge Field, Daniel Coursey, Patrick J. Rice, Kelly Raulerson, and Samuel Oliver.

continued on page 5



Alumni and Students arrive for Law Day



Dean Cowen speaks to Senator Ervin after address.

SEN. ERVIN SPEAKS

Senator Samuel J. Ervin, Jr. from North Carolina delivered the principal address on Law Day in the University Chapel. The Senator was introduced by Norman Underwood, a member of the third year class. Ervin's speech dealt with the necessity of law in a successful society and the importance of adherence to the law by all citizens who live under it.

Ervin said that the "freedom of the individual is of supreme value to a civilization." Our forefathers believed in personal freedoms, but such freedoms do not give license to break an existing law in defiance of it. He cited Daniel Webster, who said, "Whatever a government, a government not of law is a despotism..." The duty of every citizen in a democracy is to obey all the laws, whether he agrees with them or not.

Senator Ervin said that it was unfortunate that certain churches had seen fit to take stands that "professing Christians have the right to violate laws which they deem unjust." Such a stand could lead only to chaos and a society in which each person is a legal autonomy. The Senator went on to say, "The right of clergymen and civil agitators to disobey the law is exactly the same as the right of burglars, arsonists, rapists, or thieves to disobey the law.

Questions of law should be settled in the courts by those most qualified to determine legal issues. It is the duty of a lawyer to train himself so that he may settle legal entanglements. "If one is to know law, he must practice it and master it."

While discussing a lawyer's approach to a case or a client, Ervin

continued on page 2

ROSTOW DELIVERS ADDRESS

Sibley Lecturer Speaks on Obscenity

Obscenity and the recent Supreme Court decisions was the theme of the fourth and final of this year's John A. Sibley lectures in law. Eugene V. Rostow, Sterling Professor of Law and Public Affairs and the former Dean of the School of Law at Yale, delivered his address in the library auditorium on Tuesday, April 5. Rostow was introduced to the overflow crowd by Mr. John A. Sibley.

Rostow dealt primarily with two Supreme Court decisions handed down on March 31, 1966; one reversing the Massachusetts Supreme Court decision which banned the sale of *Fanny Hill* in that state, the other affirming the conviction of "Eros's" Editor, Ralph Ginsburg.

He pointed out that an extreme stand in either direction on the issue, total censorship or absolute freedom of speech and press, would be unsatisfactory. Society, through its mores, has set standards which function as a measure by which restrictions on freedoms of expression are to be judged. Rostow conceded that this standard might vary in different regions of the country, e.g., the 'topless' waitress in San Francisco might have difficulty being sanctioned in other cities or states.

The solution is not simple, but a questionable expression must be measured against a flexible standard. Rostow said that a double standard may even be applicable to one location. He cited an example using the book *Lady Chatterley's Lover*. Rostow said that public sale and private reading of the book is probably constitutional, but that reading aloud selected passages from this book in public, as occurred on the Berkeley campus recently, is probably going too far.

In an analysis of the recent decisions, Rostow discussed profiles of the members of the Supreme Court. He jokingly said that the chance of Justice Black's altering his liberal attitude on the subject was unlikely since the Justice has refused to even read any of the materials brought before the court.

NEWS SHORTS

The Georgia Defenders Society elected the following officers for summer and fall quarters: Paul Rasmussen, President; Roger Land, Vice-President for Criminal Cases; John Oldfield, Secretary for Criminal Cases; Allen Johnson, Vice-President for Civil Cases; and Maurice Sponcler, Secretary for Civil Cases.

James Garner, a member of the second year class from Lilburn, won the C & S National Bank Will Drafting Contest. The three runner-ups were Alex Branch, Maria Campbell, and Madge Field.

Seaborn Jones was selected by the Student Bar Association as Georgia School of Law representative to the ALSA Convention this Summer in Montreal, Canada. First and Second alternates were John Thompson and Huxley Nixon.

In the recent Student Body Elections, Ben Kirbo was elected as Student Senator from the School of Law.

Elmer Nash, a first year student, was elected as the Young Republican Representative for the 10th District at the Young Republican Convention, held in Macon on April 23. Andy Heiskell is now serving as president of the Young Republican Club at the University.

Fred Witcher was elected Editor of the 1967 Placement Brochure, which is in the process of being assembled now.

SENATOR ERVIN SPEAKS

said, "Sort out the facts; the law will keep." He disagreed with the layman's axiom that a lawyer should never take a case unless he thought the cause just and his client right. All sides of a legal controversy should be represented by capable legal minds. "Truth is most likely to be found and justice done in an adversary system of jurisprudence."

Senator Ervin concluded his remarks by stating that "When respect for the law perishes, liberty perishes."



DEAN'S CORNER

by

Lindsey Cowen, Dean

It has recently been announced that Governor Carl Sanders has approved an action of the Board of Regents of the University System, which will result in making available to the School of Law \$1,000,000 for Law Library acquisitions over the next three-year period. This will be in addition to regular appropriations expected to total at least \$140,000.

The State of Georgia and private agencies and individuals have been most generous in their support of the School of Law, but nothing could be more important to us than the outstanding Library which this action will make possible.

As of this date, we have a Law Library of approximately 66,500 volumes, 55,000 of which are shelved and available for use. The others remain in storage pending the completion of the new building. The \$1,000,000 special fund will permit the addition, at current prices, of approximately 85,000 volumes; and if our normal growth pattern over the next three years continues we should have, on July 1, 1970, a Law Library in excess of 160,000 volumes.

On July 1, 1965, our Law Library ranked 68th in a list of Law School Libraries. This projected rapid expansion will certainly move us into the top twenty in size, and will make us one of the major Law Libraries of the United States. It is also a very reasonable possibility that by 1970 we will have the largest Law School Library south of Philadelphia, Pennsylvania. This will be a natural magnet for established legal scholars and gifted students alike, and the opportunities which will then be open to us are unlimited. Dr. Aderhold, Chancellor Simpson, members of the Board of Regents, Governor Sanders—the Law School community, the whole profession in fact, is forever in their debt.

SPORTS REPORT

Spring is here and while there is no telling for certain where a young law student's fancy has turned, it most definitely has not turned to intramurals. One attempting to get a team together for the weekly softball games is met with excuses ranging in basis from golf, beer, and fishing to alarmingly early study efforts.

The softball team is doing well, however, despite the over-all lack of interest. Led by steady catcher Kelly Raulerson and acrobatic second baseman Lee Redfern, only one game has been lost and that to the P. E. Majors by the contested score of 9-8.

Gloom descended upon the legal nine when it was discovered after the second game that brilliant third baseman Tom Huggins would be lost for the season due to a wrist operation. However, the clouds of despair lifted when Gordy Miller, up from the law school's farm team (first year class), proved he could get the job done.

The tennis team, composed principally of Swartz, Cromartie, and Pugh, is also doing well and has reached the finals of their single-elimination tournament. A great problem is posed to members of the team, and indeed to any law student who likes to play a little tennis on a pretty afternoon, by the great difficulty involved in securing a court to play upon.

There are eight decent tennis courts at the University of Georgia, which has an enrollment of some 12,000 students. The courts are not lighted, therefore precluding night play. Even this dismal situation might be bearable if play were put on a first-come, first-served basis. Such, lamentably, is not the case. Many has been the time that an enterprising pair of law students, tennis shorts worn underneath their pants, has flown directly from their last class to the courts. After perhaps an hour's wait, they become the proud possessors of a rectangular chunk of green with a little bit of net strung across its middle. The

continued on page 5

CALLAWAY SPEAKS

Law Review News

The *Georgia Law Review* will begin publication this fall. To meet the demands of its scheduled four issues each year, it has begun a scanning program to find those cases, local or national, which are desirable for recent decision or note treatment. As an aid to this scanning program, the *Review* welcomes suggestions from any alumni of the University on note topics or recent decisions. It encourages alumni to make such suggestions and believes that their experience in dealing with cases concerning the latest developments in the law can add to the timeliness of the *Review's* coverage of the law. The primary criteria for consideration of a recent case by the *Review* are:

- (1) Cases of first impression in a particular jurisdiction.
- (2) Cases overruling a line of authority within a jurisdiction.
- (3) Cases clarifying or attempting to clarify a confused area of law.
- (4) Cases which will have important practical consequences for the practicing lawyer.
- (5) Cases involving an extension of an old rule to a new situation.
- (6) Cases which have generated great public concern and attention.

All suggestions should include the citation of the case and brief statement as to the importance of the decision.

GEORGIA

Advocate

Published biquarterly by the students of the University of Georgia School of Law.

Editor in Chief	William R. Childers
Associate Editors	Jack F. Witcher John R. Thompson
Business Manager	Maurice Sponcler
Reporters:	
James Garner	Peggy Miller
Seaborn Jones	Gene Parker
Jim Jordan	Al Ruefmann

Howard H. "Bo" Callaway, Georgia's only Republican Congressman, spoke to the Demosthenian Literary Society on Wednesday, April 13. After barring questions as to his gubernatorial candidacy, he said that Americans live in the "greatest nation ever devised." He quoted Thornton Wilder by saying that every good thing stands on the razor's edge of danger and must be constantly defended.

Callaway said that on a field trip to Russia last year he saw what can happen to a country without God. He admitted here are churches in Russia, but people are penalized for attending.

The third district Congressman pointed out that the efficiency of Russian industry is "very low" and that their collective farm program is "pretty much of a failure." The only successful farms are owned privately, and those farms make up only three percent of the land in cultivation but produce thirty percent of the food.

The propaganda the people of Russia get was termed "vicious" by Callaway. He told of seeing a billboard with a picture of Uncle Sam on a bomb, falling on a Vietnamese mother and child and their hut.

Asked if he thought segregation as interpreted through the Bible was right, Callaway replied that he did not like the word "segregation" because like "liberal-conservative" it can be misinterpreted.

"All creatures of God must be looked at equally" said Callaway. He pointed out that the main problem with Negroes is finding jobs and that by giving them jobs much of the problem will be solved.

When asked if he would enforce all federal legislation if he were governor, Callaway replied, "I wouldn't stand in the school house door, if that's what you mean."

Replying to a question about the President's poverty war, he said that 14 people at a job corps camp in Michigan are making more money a year than General Westmoreland, the commander of the U.S. forces in Viet Nam.

Young Democrats Convention Held at University

Georgia's collegiate Democrats held a Platform Convention May 6th and 7th in Athens. Approximately 180 delegates from over 20 colleges attended the affair. The purpose of the Convention was to adopt resolutions on current issues and listen to potential Democratic party candidates for Governor and Lieutenant Governor. The affair started Friday night with a Barbecue at Charlie Williams Lodge.

Gov. Sanders, the keynote speaker of the Convention, told the Young Democrats that the major political issue of the summer's party primaries ought to be the future of the Democratic party in Georgia. "Today Georgia is a two-party state and anyone who tells you different is foolish" stated Sanders. Sanders admonished the fair weather friends of the Democratic party in Georgia. Sanders stated that he wanted to be remembered as a loyal Democrat.

Judge Jephtha Tanksley stated that Georgians want "a new man and a new face who will build for the future". Judge Tanksley stated that he feels that Republican Bo Calloway is getting a great deal of support in the Governor's race. He criticized former Governor Ernest Vandiver for supporting highway director Jim Gillis, although he did not mention either man by name.

Lieutenant Governor hopeful George T. Smith stressed education in his speech to the Convention. "Georgia needs an educational sys-

tem based not on hope, but on the realities of today's need." Smith also stressed the state's need for better teacher's salaries and proper administrative and clerical assistance for them. Apathy connected with voting in Georgia was another area stressed by Mr. Smith.

Former Governor Ernest Vandiver hinted again that there might be a tax increase in the next governor's future. Mr. Vandiver also indicated that, if elected, he would not shy away from a revenue boost if it were needed. The former Governor said he felt that the next governor would have to make a study to determine the state's needs. Mr. Vandiver denounced proposals of other candidates to take away the tax on a tax that Georgians pay for state income tax on money which has gone for federal income tax. Praising programs for advancing education, Mr. Vandiver cited accomplishments of his administration.

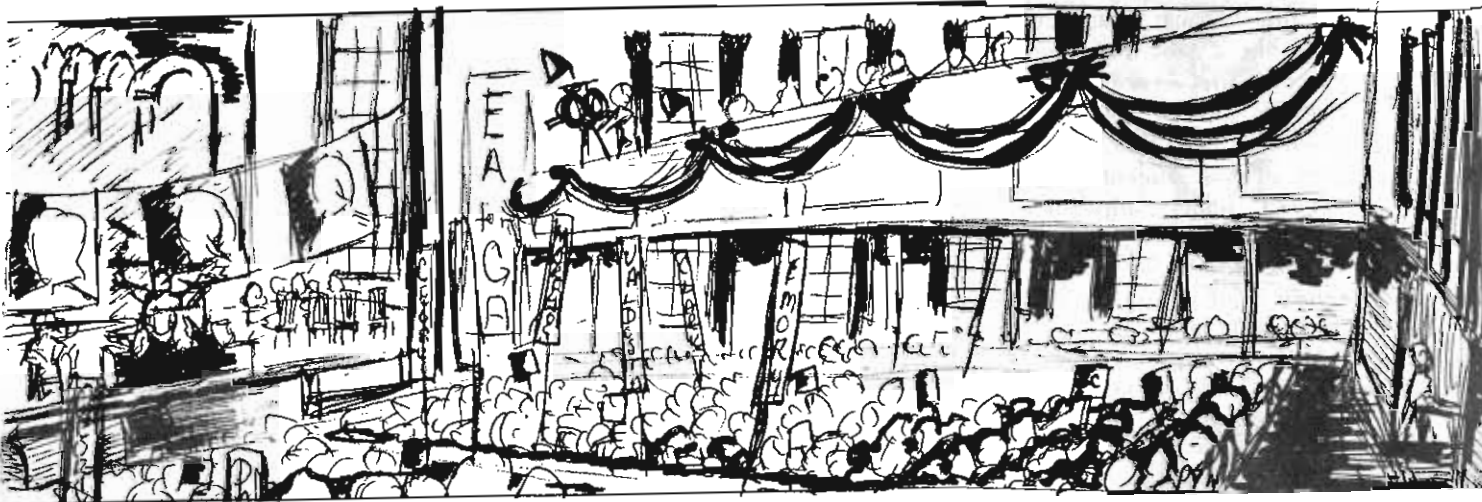
Former Governor Ellis Arnall, the obvious favorite of the Young Democrats, got the most spirited reception of the day as he addressed the Convention after lunch. Governor Arnall praised the Democratic Party as being the finest political party in the world. He stated that he was not ashamed to be a local, state, and national Democrat. Paraphrasing President Kennedy, Arnall told the Young Democrats that "we must push Georgia forward with vigor." Arnall went on record as favoring a new Constitution in Geor-

gia and reforming the present tax laws of the state which make Georgians pay a tax on money that they never "see, feel, smell, touch or spend." "I can't wait to debate my worthy opponent on TV", said Arnall, referring to Vandiver. Arnall stated that if Vandiver refused to debate him he would put a dummy on TV and debate with that. "Perhaps it would be more enlightening to debate the dummy anyway," stated the candidate.

Lieutenant Governor Geer stated that industrialization and education were twin sisters. Mr. Geer, a candidate for re-election, stressed broader educational achievement as the key to progress to the state. "If we are to survive in a free country, it will be through education," said Geer. He favored reform in the mental institution in Milledgeville and the development of Georgia's vacationland potential.

Garland T. Byrd advocated a \$100 million bond issue authority to secure buildings and land to facilitate a program for providing more jobs for Georgians. Mr. Byrd also denounced the present penal system.

According to the last speaker on the program, Lester Maddox, "the major issue in the campaign is liberty. We need to seek and undertake legislation on the national level to restore liberty". Mr. Maddox mentioned the plight of the state's senior citizens and a possible solution—make Hunter AFB in Savannah a center for senior citizens.



Georgia Defender Society

The University of Georgia School of Law Legal Aid and Defender Society is comprised of law students, law faculty advisors, and a legal advisor. The Society has offices in the Shackelford Building, Athens, and a full-time legal secretary. As a result of a grant obtained from the Ford Foundation through the National Defender Project the Society's facilities and services have been greatly expanded since last Fall quarter.

At the present time forty-seven law students are participating in the Society. Professors John Murray and Richard Morton of the Law School faculty are advisors for all aspects of the organization, and Denny Galis, member of the Athens Bar, serves as legal advisor.

The purpose of the Society is to provide free legal aid to persons unable to hire an attorney and to assist court appointed counsel in criminal cases. The Legal Aid function of the Society is to assist defendants in civil cases. This might involve answering a legal question or preparing a defense in a suit. A referral system is in use, whereby cooperating members of the Athens Bar will take cases without a fee or for a reduced fee if the services of an attorney are needed. Student members then assist the attorney in preparing the case for settlement or trial. Working in cooperation with the Federal District Court and the Referee in Bankruptcy, Truett Smith of Macon, law students are appointed trustees in bankruptcy in no assets cases.

The Defender function of the Society is to assist appointed counsel for defendants in criminal cases. The student members aid appointed counsel in all aspects of the defense, including interviewing of witnesses, investigation, research of law and preparation of briefs. In April the Defender program was extended to assist the Superior Court of Clarke County in determining whether the accused should be released on his own recognizance and

whether the accused is entitled to have appointed counsel. This is accomplished by members interviewing the accused in jail shortly after his arrest, and after verifying the information obtained at the interview, making a recommendation to Superior Court Judge James Barrow. A main purpose of this program is to have those eligible persons who cannot afford to post bond released to relieve them and their families of the economic burden which would arise if they were kept in jail.

Most of the cases handled by the Society arise in Clarke County, but many questions from inmates of the State Penitentiary at Reidsville concerning sentencing, detainers, appeals, right to counsel and confessions are also answered.

ACTIVITIES AND AWARDS

The Student Bar Association's Outstanding Senior Award went to Norman Underwood.

The climax of the observance was the address by the Honorable Samuel J. Ervin, United States Senator from North Carolina. The Senator is a member of the Senate Judiciary Committee and a former Justice of the Supreme Court of North Carolina. He is chairman of the constitutional rights sub-committee which has recently been concerned with rules and practices governing arrest, detention, investigation, bail, and the right to counsel. The theme for law day festivities throughout the United States was "Respect the Law—It Respects You."

SPORTS REPORT—con't. from page 3

two are happily hitting their warm-up shots when from nowhere a cheery female voice interrupts to say, "I'm sorry, but we've got to have these courts now." On looking up, our heroes perceive a vertiable swarm of blue-shorted, white-bloused lovelies who have totally enveloped the courts. They are the Monday Afternoon Tennis Club. They will spend their time on the courts learning the proper way to hold their racquets, the proper way to keep score, and six clever ways to

Editorial Board Reports

The Student Editorial Board offers all qualified students an opportunity to write for publication in the *Georgia State Bar Journal*, the official organ of the State Bar of Georgia. The *Journal* is distributed free of charge to every member of the Georgia Bar Association.

Jim Googe of Savannah has been elected Editor-in-chief for the next six months. Kelly Raulerson of Stantennville, former Editor-in-chief, and Chester Davenport of Athens will continue to serve as Executive Editors for the remainder of the school year.

The advantages of writing for the *Journal* are several: (1) Improvement of legal research techniques, analysis, and legal writing style; (2) Service to the State Bar of Georgia; and (3) Enhanced employment opportunities on graduation for persons with demonstrated legal writing ability.

Although the establishment of a national law review is in the offing for the Georgia School of Law, the Student Editorial Board will continue its service to the State Bar of Georgia, and afford excellent students who do not write for the *Law Review* an opportunity to write for publication.

Jim Googe wants to talk to all law students in the first and second year classes who are interested in writing for publication in the November issue of the *Journal*. These students should be in the top half of their class and planning to attend law school this Summer.

pick up balls with their feet. Still the situation would be bearable if the Monday Afternoon Tennis Club did not have kindred groups which meet on Tuesday, Thursday and Friday. One law student upon being chased off by the M.A.T.C. indulged in a whimsical conjecture (which could be heard for some distance) as to what sort of sexual transformation would have to occur before he could get in a full set of tennis.

And so it goes. . . .

Tennis, Mr. Googe? What about six o'clock Saturday morning?

Fraternity News

PHI ALPHA DELTA and PHI DELTA PHI held three joint luncheons this quarter, at which the guest speakers were Governor Sanders, Governor Vandiver, and House Speaker Smith. PHI ALPHA DELTA also held a luncheon and business meeting with Dr. E. S. Magaw, Supreme Justice of PAD, Dean Maloney, Justice of District XV, and Mr. Tom Powell of Atlanta.

PHI ALPHA DELTA:

Newly elected officers are: Justice, G. W. Darden; Vice Justice, R. Matthews; Treasurer, V. N. Hansford; Clerk, W. S. Goodman, Marshall, A. Ruehmann.

New members are: P. Rasmussen, L. D. Willison, G. W. Darden, V. N. Hansford, J. A. Kerr, Jr., J. M. Kimbrough, G. R. Dubus, III, W. T. Elliott, W. R. McCracken, T. R. Cooper, J. F. Jordan, and W. S. Goodman

PHI DELTA PHI

Recently elected officers are: Magista, J. M. Ney; Exchequer, C. T. Huggins; Clerk, J. L. Cromartie; Historian, A. Johnson.

New members are: W. Searcy, G. Roundtree, W. Lee, F. Cooper, R. Land, D. Watson, T. Millikan, M. Sponcler, H. Pugh, D. Donaldson, S. Jones, S. Freedman, J. Ellis, G. Bobo, F. Brannen, H. Smith, O. Martin, W. R. Childers, L. Redfern, D. Butler, A. Johnson, T. Smith, W. Johnson, W. Robertson, J. Wimberly, N. Conner, L. Fine, B. Kirwan, W. Norwood, J. Cromartie, L. Walters, A. Pickett, and C. Farnham.

ATTENTION ALUMNI!!!

Please check your address to make sure it's correct. Next fall the Advocate will be sent out by a new automatic address system, utilizing zip code numbers. Avoid delay in receiving your copy by informing us if your address as shown to the right is inaccurate.

Book Review

The word "Southerner" connotes a gentleman in a white suit standing under a magnolia tree before a white-columned house. The book *Southerner* by Charles Longstreet Weltner does not evoke such genteel tranquility. It speaks of policemen using cattle prods to herd people, and of fire hoses, church bombings, and voting prohibitions. It speaks of one Congressman's vision and dreams for the New South. His writing is simple and clear. The thought, however, is powerful and often expressed with tongue in cheek.

Having worked with Morris Abram in attempting to abolish the County Unit System, Weltner adopted the abolition of the system as the major issue in his first bid for Congress. During the campaign a court decision abolished the system. "That ruling changed the character of a state. It made and shattered political fortunes. It elected a governor. And it put me in the Congress."

When four Negro children lost their lives in a Birmingham church bombing in 1963, Weltner chose to speak out rather than remain silent as most Southerners in Congress chose to do. He blamed the bombing on southern leadership which had remained silent so long.

"And in so doing we have permitted the voice of the South to preach defiance and disorder. We have stood by, leaving the field to reckless and violent men."

Many Southerners again had a chance to become concerned about Weltner when he voted for the

Civil Rights Bill in 1964. He explains the position he took then, describing the events surrounding his decision.

"I shall cast my lot with the leadership of my community," he said in Congress. "I shall cast my vote with that greater cause they serve. I will add my voice to those who seek reasoned and conciliatory adjustment to a new reality."

In Part II of his book, Weltner traces the history of the race issue in American politics. He thinks that the strife of the present has been caused by America's leaders postponing solutions since slaves were first brought to this country.

Weltner writes in the last part of his book that the "Southerner is somewhat a man apart dwelling in a land apart."

"The Southerner who is devoted to his section should be one most anxious to see it change for the better. The most outstanding exemplar of such a Southerner is Thomas Jefferson," who said, "As that (the human mind) becomes more developed, more enlightened, as new discoveries are made, new truths discovered, the manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

Weltner frames his cogent argument for a New South neither in ideals nor morals, but in history, politics, and economics. His argument is a practical approach to the opportunity for the South. And he believes that the South will win in its battle to become a part of the nation, rather than remain a land apart.

UNIVERSITY OF GEORGIA SCHOOL OF LAW
ATHENS, GEORGIA

Non-Profit Org.
U. S. Postage
PAID
Athens, Ga.
Permit No. 165