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Barrister News



"The constitutionality of miscegenation statutes has been attacked . . . since the late seventeenth century the Negro has been and is today considered the most objectionable of the racial factions."

Miscegenation . . . p. 3

"Two or three James Bond types cleverly fake a conversation in front of the Dean's office . . . still another is gratefully blabbering that while it's bad 'my average is still 70.01.' "

Longest Days . . . p. 15

Police Chief Bichsel discusses urbanization and the shrinking tax dollar. "Some years ago, people on the average seemed to be more reliant on themselves . . . Of course the one thing that everyone seems to be concerned with are certain recent Supreme Court decisions . . . it seems to me that the concern of the Supreme Court is weighted in regard for the civil rights of the individual and not enough in the collective rights of the community."

Police Chief . . . p. 8

Barrister News

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THE COVER: Random quotations from special features of this issue reflect the variety and scope of the **BARRISTER NEWS**. Tom O'Connell takes a long look at the constitutionality of state miscegenation statutes. Selden Hale captures Chief Bichsel with pipe in hand giving reflective thoughts about the SA Police. Lou Cappadona, with a humor all his own, tells a tale you'll have to read.

EDITOR'S DESK

Comes the end. This is the last issue produced and directed by the present staff. Often acknowledgements are made and thanks given before the fact; after the fact, very often the people you would cite are a different group entirely. It is then for accomplishments and services rendered that I salute the entire staff of the **BARRISTER NEWS** now for past endeavors. The small group of writers, re-writers, pasters, "clippers" and editors who worked long and hard hours, have brought this Student Bar publication through long strides of progress.

There are, in any case, those who deserve singular and signal attention. Gene Labay, Associate Editor this year, is one of these individuals. Gene has been and is the type of fellow who will drop everything to finish last-minute proof-reading. He has been all things on the staff, from reporter to demigod in-charge-of-scissors. Meanwhile, Gene supports a wife and family, the top of the Dean's List, and his legal fraternity. The Editor's job would have been impossible without his able contributions.

Associate Editor Jim Lytton too is one of those remarkable people. Whether he is perched atop a KENS-TV camera or atop a Remington Raider, Jim focuses a sharp picture. His background and experience in the communicative arts has been invaluable to the **BARRISTER NEWS**.

I wish to thank too, every person who contributed to our publication. Their work was not without compliments from lawyers and law students who have read their words.

So ends Volume XII.

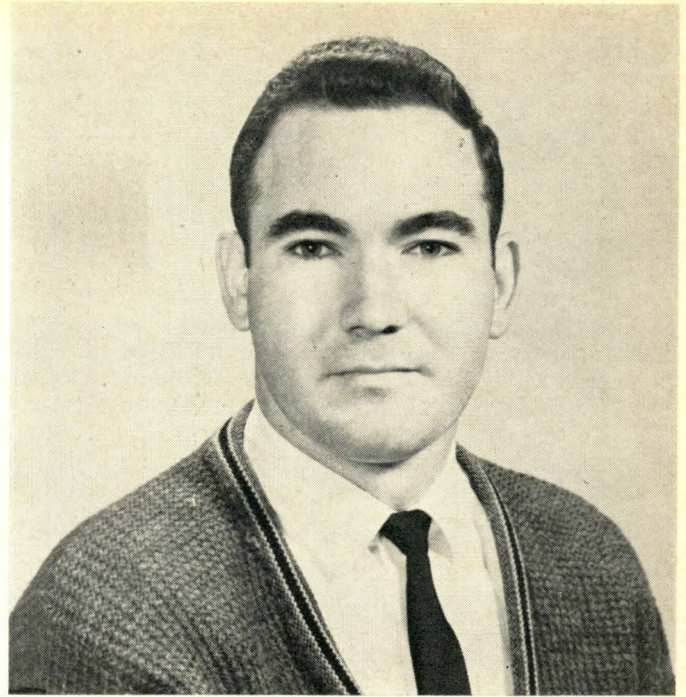
THE EDITOR

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Tom O'Connell is a 23 year old senior law student from Dallas, Texas. His undergraduate work was completed at St. Mary's University and he entered law school in the Fall of 1962 under the combination B.A.-LL.B. program. While at St. Mary's, Tom was a member and past president of the Order of the Barons social fraternity. He participated in various intramural sports and was selected for the All-Intramural football team. He completed the 4 year ROTC program serving on the Corps rifle team for 2 years and attaining the rank of Battery Commander in his senior year.

Tom is a member of the St. Thomas More Club and a member and past officer of Phi Delta Phi Legal Fraternity. He has received the Corpus Juris Secundum award, the National Homebuilder's Scholarship, and has consistently maintained a position on the Dean's list. In the Spring of 1964, Tom was one of the winners of the James R. Norvell Moot Court awards and was on the St. Mary's team that finished second in the state competition held in Houston. Upon graduation he will receive a reserve commission in the U.S. Army and has applied for service in the Judge Advocate General Corps.



MISCEGENATION: CONSTITUTIONALITY

by THOMAS O'CONNELL

Generally, statutes of this nature are limited to prohibition of marriages between persons of different races, although they sometimes refer to legislation against sexual contact of any type. Since there are no Federal laws enacting such limitations, the statutes themselves are peculiar to the individual states. Thus the laws vary from state to state as to which racial groups are involved, what are the requirements to be included within the particular racial group, and what penalties are affixed for the violations thereof. This article is aimed at examining the constitutionality and validity of such statutes as a whole, taking into consideration the changing political, social, and economic status of the country rather than the enumeration of what types of racial marriages are prohibited in what states and what are the requirements to be a member of that racial group.

The constitutionality of miscegenation statutes has been attacked in several different ways. In the case of PEREZ V SHARP, 32 Cal. 2d 711, 198 P2d 17 (1948) (PEREZ V LIPPOLD) one member of the Supreme Court of California said that such statutes contravene the freedom of religion guaranteed by the First Amendment. In that case a Negro man and a white woman, both Roman Catholics, sought a Writ of Mandamus to compel the County Clerk of Los Angeles to issue them a marriage license. Prior to the institution of the suit the Clerk had refused to issue such a license relying on the miscegenation statute as the reason. Justice Edmonds, who wrote a concurring opinion, upheld the parties' claim that since their church did not con-

demn such a marriage they were being restricted in the practice of their religion. It is also interesting to note that the PEREZ case is the first time a state court of last resort held its miscegenation statute unconstitutional out of the some fifteen state supreme courts passing upon the question. However, the soundness of this avenue of approach appears questionable. For example, in the case of speech a person has the absolute right to think whatever he wants to think while his right to say whatever he wants to say may be somewhat restricted. This is clearly pointed up in the classic example of a person's right to yell out "Fire!" in a crowded theatre. So also a person may believe what he wants to believe, but his right to practice his belief may likewise be subject to some degree of control. In MORMON CHURCH V UNITED STATES, 136 U.S. 1 (1889) the practice of Polygamy was held to be "contrary to the spirit of christianity and of the civilization which christianity has produced in the Western world." Thus even though a religious practice or belief is involved the Court will, at times, permit restrictions upon member of a particular religious group where the practice or belief of such religion will be deemed injurious to society as a whole. Another problem in this area is raised by the case of WEST VIRGINIA STATE BOARD OF EDUCATION V BARNETTE, 319 U.S. 624, (1943) where it was held that there must be a "clear and present danger" before a state can enact laws proscribing the exercise of religious practices. Hence, confronted by the basic problem of whether or not the statutes actually invade freedom of religion, and faced with

(Continued on Next Page)

MISCEGENATION, Con't.

the difficult burden of proof involving the "clear and present danger" test, it is highly unlikely that the Court will use the violation of the First Amendment as the basis for holding the statutes unconstitutional. This will seem particularly true when we examine other approaches to the question.

Some courts have taken the position that the statutes violate the due process clause of the Fourteenth Amendment. In order to do this it has been incumbent upon such courts to bring marriage within the fundamental liberties protected by the due process clause. Mr. Justice McReynolds in *MEYER V NEBRASKA*, 262 U.S. 390, (1923) said that:

"While this Court has not attempted to define with exactness the liberty thus guaranteed, the term has received much consideration and some of the things included have been definitely stated. Without doubt it denotes not merely freedom from bodily restraint but also the right of the individual to marry . . ."

So it would appear the Court, at least in some instances, has determined that the right to marry is a basic right protected by the Fourteenth Amendment. But even supposing the right to marry, per se, was not protected by the due process clause, we must bear in mind that the restriction so promulgated by the state must conform to a legislative fairness. Thus the legislation itself must meet the due process requirements and must not be arbitrary or capricious.

In using the equal protection clause of the Fourteenth Amendment the establishment of a fundamental right to be protected would seem unnecessary. The Supreme Court in *BROWN V BOARD OF EDUCATION OF TOPEKA*, 347 U.S. 483, (1954) did not concern themselves with whether or not a

fundamental right was involved in holding segregation in public schools was a violation of the equal protection clause. Rather the Court took the stand that mere discrimination of itself on the basis of color was violative of an inherent right given to all men. Miscegenation statutes classify persons according to race and restrict the individual in selecting a spouse of his or her own choice. Certainly legislation in this area would appear contrary to the spirit and letter of the law construed to be present in the equal protection clause.

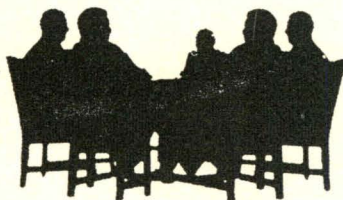
On the other hand, in upholding the statutes the courts have attempted to show that they were the result of a valid exercise of the state's police power and came within the purview of the Constitution's protective clauses. That is, the statutes have a reasonable basis and are related to a lawful legislative purpose. This end has been attained in several devious ways.

Some courts have based their decisions on the "deplorable results" that come from such marriage, i.e., harmful biological offspring. This theory is based on questionable scientific data accumulated by various scientists standing for the proposition that Negroes are mentally and physically inferior to the white person. Perhaps it would be well to mention here that the Negro has been the principal object of the scientific research in this area as well as one of the parties in most of the court litigation involving miscegenation legislation. Since the late Seventeenth century the Negro has been and is today considered the most objectionable of the racial faction, and as a consequence of this, the greatest portion of such legislation is directed against the Negro.

In regard to the aforementioned scientific research it is well to note that most of it occurred prior to World War II and the soundness of such reasoning today is, at the very least, open to serious questioning. In looking at this problem of keeping the races apart it has been argued by some authorities that the idea of a "pure" race is one of absolute abstraction at best. In *HEREDITY, RACE, AND SOCIETY* (1952) by Dunn and Dobzhaksky it was observed that the modern view tends toward the idea that there could no longer be a race free from unmixed blood. Hence, it would appear that modern science is gradually chipping away at this basis for upholding miscegenation statutes. In fact the California Supreme Court in the *PEREZ* case, speaking through Justice Traynor, made the observation that racial hybridization has long been happening in the United States. Thus a finding that the progeny of such a union are not inferior would seem to be the logical implication and next step in answering the biological argument.

Another tact used by the courts is that the social consequences of such a marriage are detrimental to society. This view is easier to understand after reading an excerpt from *I MYRDAL, AN AMERICAN DILEMMA* 60, in which is discussed the "White man's rank order of discrimination," the highest of which is the ban against intermarriage with white women. In looking at the Negro side of the problem it is noted that the order is exactly the opposite with the prohibition against interracial relations being the least offensive of the segregation laws.

(Continued on Page 6)



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FRATERNITY NEWS

DELTA THETA PHI

PHI DELTA PHI

The Bickett Senate, DELTA THETA PHI, is proud to make announcement of its newly elected fraternity officers for the Spring Semester of 1965. The Officers are:

Bob Entzenberger, Dean
Brice Tondre, Vice-Dean
Carl Kraus, Tribune
Mark Sideman, Master of the Rolls
Don Saunders, Exchequer
Cam Smith, Bailiff
Gale O. Castillo, Master of the Ritual

Congratulations from every member of DELTA THETA PHI to the St. Mary's School of Law students who have become eligible to join the ranks of this organization. The Rush Party honoring the New Rushees will be held on April 4, at Wolfe's Inn, where Honorable James E. Barlow, District Attorney, will be guest speaker.

Also, congratulations to DELTA THETA PHI Brice Tondre, Michael J. Simmang, Bob Tippins, and Philip J. Pittman who appeared on the Dean's List for the Fall term of 1964-1965.

In the same order, congratulations to our Master of the Ritual, Gale O. Castillo who was recently elected to the office of President of the Student Bar Association. Gale is working efficiently to activate the Barristers Organization and DELTA THETA PHI will not fail to participate and cooperate with the worthwhile projects which are being set underway.

All members wish to express their condolences to the family of Lt. Col. George F. Vlisides, our departed Brother, who was killed in action in Vietnam during the earlier part of this year.

In other news, Bickett Senate wishes to announce its lease of a Xerox reproducing machine. The machine, now in the basement room of the fraternity, is offered for the use of all students and faculty members of the School of Law. Charges are nominal. The project is under the sponsorship of the Scholarship Committee headed by Mark Sideman; its aim is to give all students convenient opportunity to reproduce class notes and outlines.

The fraternity wishes to acclaim a Bravo Zulu, Well Done, to outgoing **BARRISTER NEWS** Editor Don Wittig. Don is past Dean of the fraternity and has been an active promoter of both his legal fraternity and the school paper.

Bickett Senate regrets the resignation of Assistant Dean Sierk. Professor Sierk has been an active member of the fraternity. He is a holder of the coveted Scholarship Key of DELTA THETA PHI. We wish him well in his newly chosen assignment.

Phi Delta Phi enters the Spring Semester with a heavy schedule of events. Before closing out the Fall Semester, the fraternity initiated eight new members in the solemn and customary ritual that is observed by Phi Delta Phi Inns throughout the world. The ceremony was held in the candlelit courtroom of the Fourth Court of Civil Appeals. Serving as benchers and donned in old English robes and powdered wigs were fraternity alumni: Hon. James R. Norvell, Supreme Court of Texas; Hon. William O. Murray, Chief Justice of the Fourth Court of Civil Appeals; Hon. Charles Barrow, Associate Justice of the Fourth Court of Civil Appeals; Hon. Archie S. Brown, 144th District Court; Hon. Peter M. Curry, 166th District Court.

The new members swore allegiance to the goals and ideals of the fraternity while their wives, relatives and friends looked on.

A cocktail party and steak dinner followed at the Bavarian Inn. Committee Chairman Lou Cappadona reported that over 120 alumni and their wives and guests attended. Among them were Federal District Judge and Mrs. Adrian Spears, County Judge Charles Grace, Very Rev. Louis J. Blume, Col. and Mrs. Willard Hodges of Fourth Army JAG, Dean and Mrs. Ernest Raba, Phi Delta Phi Province President and Mrs. Merrill Frazer of Tyler and of course all the Phi Delta Phi faculty members.

Magister Terry Topham emceed the program and Fr. Blume led the invocation. Dean Raba introduced the speaker, the Hon. James Norvell. Judge Norvell delivered an eloquent speech on the role of the lawyer in our rapidly moving and changing world.

The Spring Semester was ushered in with the election of new officers. They are: Dennis Hendrix, Magister; Dan Rutherford, Exchequer; Nelson Wolff, Historian; Fred Granberry, Clerk. Their primary efforts are now directed to the upcoming Rush Week which will be highlighted by a cocktail party and dinner in honor of those students eligible for the fraternity.

On March 26, the fraternity will present Dr. Urban Terbieten who will address the student body on "The Use of Medical Testimony in a Personal Injury Case". Tom O'Connell's article on "The Miscegenation Laws," which appears in this edition, continues Phi Delta Phi's literary contribution to this excellent new feature of the Barrister News. The prior articles by Gene Labay and Lou Cappadona have received wide response. The fraternity is also cooperating with the Texas Association of Plaintiffs Attorneys in their upcoming convention at the Granada Hotel on March 18.

In conclusion, the membership feels it fitting to pay special tribute to Brother Nelson Wolff who was President of the Student Body last semester. Nelson has done an outstanding job.

Nevertheless, that the state's interest in marriage is substantial and important is clearly borne out by the regulations governing the issuance of marriage licenses, and by the prohibitions against incestuous marriages (aside from the biological results) or those marriages where incompetent or affinity type relations are present. So the question to be resolved is whether or not the state can prohibit such marriages because the best interests of the state are served in not permitting white and Negro individuals to intermarry. The problem becomes a little more involved when children enter the picture. Often the children of these marriages have difficulty in adjusting to their surroundings and our society has difficulty adjusting to them. In such circumstances they are considered neither white nor black and as a result of the stigma attached to them become a burden upon society. So, from this reasoning has evolved the theory of "protection" of the social well being.

It is interesting to note how the Supreme Court has dealt with the miscegenation question when it has appeared before them. *PACE V ALABAMA*, 106 U.S. 583, (1883) is the case generally cited by the courts upholding the statutes, although to date the Supreme Court has never ruled directly on the precise question. The *PACE* case involved an Alabama criminal statute prohibiting fornication between white and Negro persons and at the same time providing for a harsher penalty than when the act was performed between members of the same race. The Supreme Court, in upholding the statute, based its decision on the ground that there was no discrimination since both races were equally punished under the statute. However, in view of the more recent developments, this "equal punishment" theory seems to have lost its acceptance. In *SHELLEY V KRAEMER*, 334 U.S. 1 (1948) the Court, in dealing with restrictive covenants applicable to both whites and Negroes, said: "Equal protection of the laws is not achieved through indiscriminate impositions of inequalities." This, coupled with the overruling of the "separate but equal" doctrine laid down in *PLESSY V FERGUSON*, 163 U.S. 537 (1896), would throw much doubt on the precedent supposedly set by the *PACE* case.

In *NAIM V NAIM*, 197 Va. 80. 87 SE2d 749 (1955), the constitutionality of the Virginia miscegenation statute was squarely before the Court. A white woman and a Chinese man left Virginia in order to avoid the statute and get married. After the marriage and a return to Virginia, the woman brought suit to annul the marriage as being in violation of the state miscegenation statute. Consequently the Supreme Court of Appeals of Virginia held the marriage void and appeal was had to the United States Supreme Court. The High Court remanded the case to the Virginia Court of Appeals for remand to the trial court in order to clarify, inter alia. the residence of the parties. The Court of Appeals of Virginia, in refusing to comply with the mandate, affirmed their previous decision stating that there was no question as to the residence of the parties and that there was no state procedure providing for such a remand. On application to recall the mandate for oral argument on the merits or alternatively to recall and amend the mandate, the Supreme Court denied application saying that the second Virginia

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court judgment had left the case devoid of any federal question.

Considerable attention was focused on the miscegenation area by the recent case of *McLAUGHLIN V FLORIDA*, 33 U.S. L. Week 4035 (U.S. Dec. 7, 1964). This case involved the constitutionality of a Florida statute prohibiting interracial cohabitation between a white and Negro person. One of the supporting arguments used by the state was that the statute went hand and glove, and was interpreted in connection with, its miscegenation statute. The Court held the statute in question unconstitutional while at the same time refusing to pass on the miscegenation issue. In reaching its decision the Court quoted from *YICK WO V HOPKINS*, 118 U.S. 356 (1886) which said:

"When the laws lay an unequal hand on those who have committed intrinsically the same quality of offense and sterilizes one and not the other, it has made as invidious a discrimination as if it had selected a particular race or nationality for oppressive treatment."

Thus it can be seen that the miscegenation question, at least in form, is still with us. Realistically it is impossible that the present Supreme Court, in view of its own decisions and in light of the Civil Rights Act, will uphold the statutes once forced to rule on them. It should also be readily apparent that the equal protection clause would be the best means to attack the statutes, thus eliminating the necessity of proving that the right to marry is a fundamental right protected by the due process clause. The Court had such an opportunity in the *McLAUGHLIN* case, but decided perhaps for political and/or social reasons, to leave the matter undecided for the present. The Court might have felt that because of the large volume of recent racial legislation and the fact that so few people would be directly concerned, the issue should be left open until such time as the rulings in public accommodations, restaurants, and voting fields were more widely accepted. But whatever the reason the Court has determined that the time is not ripe and we must content ourselves, for the time being, with such a policy.

BARRISTER NOTES

Jim Lytton, a freshman law student, has been appointed to the Board of Directors of the Alumni Association of St. Mary's University. Jim is thought to be the youngest member of the Board in its history. The President of the Board of Directors welcomed Jim at their recent meeting in the St. Anthony Hotel.

* * * *

Supposedly man reaches the height of his intellectual power around age 25 and then begins the long slow inevitable decline. Jim Parker appears to be an exception to this theory or perhaps has disproved it altogether. Jim is built like a defensive tackle on the N. Y. Giants; dresses like a construction engineer which he happens to be; and looks fortyish, which he also happens to be. Yet Jim has compiled a brilliant scholastic average of 83.1 at the completion of 57 hours. This past semester he performed the rather remarkable feat of earning the highest grades in three of his four courses. At the rate he is racking up the American Jurisprudence award volumes, he will have a complete set by graduation.

* * * *

The impressive letterhead of the Supreme Court of the State of Texas is adorning the bulletin board and if one reads on he will learn that Eugene Labay has been appointed as a briefing clerk for the Hon. Justice James R. Norvell. All who know Eugene here at St. Mary's are not surprised at the high court's choice. Eugene is one of those rare combinations of talent and ambition, yet also a sincere humility that ingratiates him to everyone.

* * * *

Because of the small size of St. Mary's and the creative minds of many students, rumors are as common as canned briefs in the hallowed old halls. One rumor that regretfully has come true was the announcement that Asst. Dean Carroll Sierk will be leaving the faculty in August. Mr. Sierk, through his sincere efforts to accommodate the student and his ready availability to lend a helping hand in any situation has earned both the respect and gratitude of the entire student body. He will be leaving St. Mary's and the Alamo City to join the faculty of Mercer School of Law in Macon, Georgia. The BARRISTER NEWS wishes Mr. Sierk the best of luck at Mercer and trusts that he will find his new home in the charming rolling pine hills of central Georgia to his liking.

* * * *

The means and the modes by which St. Mary's students finance their education are many and varied. Perhaps the most unique is that of senior John Carroll. John, his wife Jean and son Kirk, hail from Honolulu and will return there upon graduation. John pays his tuition and puts the "bread on the table" by flying for the Texas National Guard out of Kelly AFB. John is a Major and pilots a jet fighter on full alert status. Fortunately, the long hours of waiting for an intercept mission provide good op-

portunity to delve into the intricacies of Corporate Law, and problems arising from the dual nature of Administrative Agencies. Therefore, when the whining scream of a jet bird awakens you in the middle of the night or disturbs your T.V. reception, restrain yourself because it might only be John working his way through law school.

Delta Alpha Delta

Wives of law students are keeping almost as busy as their husbands this semester. There have been many varied and interesting programs presented in the past few weeks. Lib Knoll demonstrated furniture antiques at the home of Norma Pittman. Inez Nichols of Wichita Falls presented a variety of wigs at the home of Becky Smith, and Georgia Lomax of Ben Shaw Modeling Studios was guest speaker at the home of Emmy Walker.

The big event this spring will be the Annual Style Show sponsored by Law Wives on Saturday, March 27, 1965. This year's Style Show luncheon will be at the Bright Shawl and will feature Ben Shaw Models with fashions from the Vogue.

In cooperation with the school, the Law Wives make posters to advertise Moot Court which is held on the campus. Then on the night of the actual event, the organization serves coffee and cookies.

Members also assist with Law Day activities on the campus. The organization presents their PHT (Putting Hubby Through) degrees to its members when their husbands graduate from law school.

Delta Alpha Delta aims to promote better understanding of the legal profession, to promote social and intellectual activities for its members, to establish a continuing liaison with local, state and national law wives' groups and to cooperate with the Student Bar Association and the School of Law. The Law Wives try to accomplish this purpose through their programs and activities.

The offices of Vice-President and Secretary were vacated recently. They have been filled by Kathi Labay and Minnie Simmang, respectively, who will serve the remainder of the term.

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Chief Bichsel, San Antonio Police, Tells Of Local Law Enforcement

by Selden Hale

Most city managers will agree that of the multiple branches of urban government, the Police Department receives the most pressure. It is at the mercy of citizens, law breakers, law makers and the fourth estate—each striving to test the department's vulnerability and flexibility. The advent of urbanization with its growing populace and shrinking tax dollar compounds the necessity of an efficient and capable police force.

So the man at the helm of San Antonio's Police Department, Chief George Bichsel, reflects the evolution of the policeman from the fast-draw artist to a modern administrator. Chief Bichsel joined the department in 1940—the same year that he graduated from St. Mary's University with a degree in accounting.

Born in San Antonio, Bichsel graduated from Main Ave. High School in 1929. He attended Texas A & M for two years before having to drop out to work for the rest of his education. His jobs before joining the Police Dept. ranged from bellhopping to chief boilermaker's assistant. Now the chief of a 660-man force with 120 civilian employees, Bichsel explained his motivation for joining the force. "Money seemed to be the reason I joined but there were many goods reasons for my staying with it," said Bichsel. "I thought it was tremendously interesting work and then too it had a certain amount of security."

After working for about a year as a patrolman, he was stationed at the corner of Soledad and Houston to direct traffic. Later he attended a session of traffic training at Northwestern University, and started up the ladder by being made a lieutenant. He made captain, and in 1951, was made an inspector in charge of the operations and criminal division. In 1953, he was made acting chief.

Now after 25 years in the department and 12 years as chief, Bichsel has become adept at handling problems that seem to naturally gravitate to his office. Probably one of the biggest faced by the 53-year-old chief is the pressure of urbanization.

Speaking reflectively, Bichsel said, "Some years ago, people on the average seemed to be more reliant on themselves. If they had trouble, they prided themselves on their ability to solve it.

Now it seems when trouble strikes, people say 'call the police and let them handle it'. You can see this even out of the city limits where most folks want speedy police protection.

And people naturally tend to give the police more tasks than they should rightfully assume.

Since people nowadays are specialists, the police have been given the task of handling the social misfits."

Carefully cradling a pipe which he never seems to be far from, Bichsel explained that while the trend is to give police departments more responsibilities, there are also some adverse trends in law enforcement.

"Of course the one thing that everyone seems

to be concerned with are certain recent Supreme Court decisions. Now while some attorneys feel that the court is just expounding the law as in the Constitution, it seems to me that the concern of the Supreme Court is weighted in regard for the civil rights of the individual and not enough in the collective rights of his community."

In discussing the proposed changes in the Texas Code of Criminal Procedure, Bichsel said that much fruitful labor can be done in that area.

"I am for streamlining the code, but there are some things in it (House Bill No. 44 and/or Senate Bill No. 107) which are objectionable and should be amended," said Bichsel.

One of the objectionable parts is the lowering of that portion of the sentence required to be served by the felon from one-third to one-fourth. This means persons after being sentenced to four years will be eligible for parole after one year. Other objections include the suppression of confessions and evidence obtained under certain conditions.

In discussing the general condition of law enforcement in San Antonio, the chief points out that the city, because of its closeness to the Mexican border and its population, San Antonio has an unusually large problem in controlling the illicit flow of narcotics.

The department has a narcotics squad of nine men who along with state agents and other detectives, devote much effort to the problem.

"San Antonio has more drug addicts for a place its size than any city I know of," said Bichsel.

Like many other major cities, San Antonio has trouble attracting enough young men to become police officers, and even more trouble keeping them.

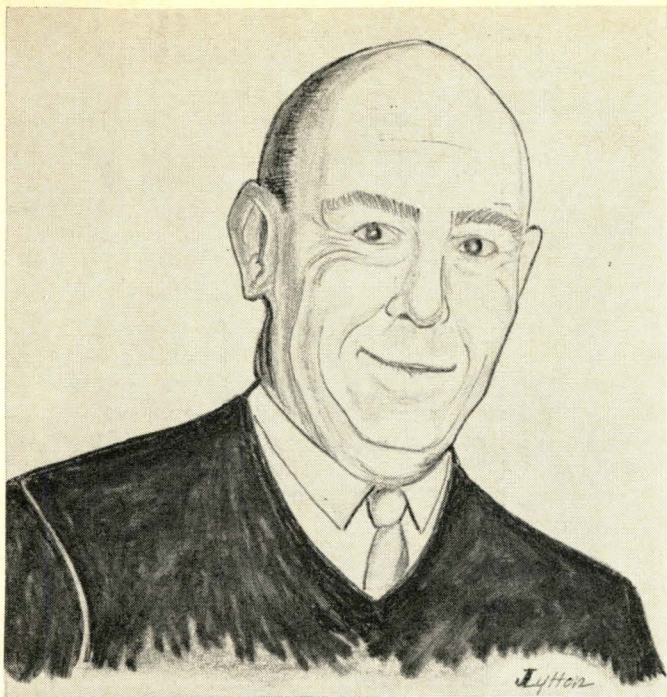
"We accept only about eight percent of all our applicants," said Bichsel. He attributes loss of his manpower to the difficult hours which they must work and to the difficult job of being a policeman in a world where people don't want to be policed.

As the city continues to grow, the automobile and its traffic arteries become more and more of a problem for the police department.

Another problem being brought to the broad shoulders of the San Antonio Police Department is the HemisFair. It will bring thousands of visitors and their cars to San Antonio where they will expect to receive police protection.

Bichsel expects the press of present problems and new problems will cause the department to be expanded to over 900 police officers in a matter of a few years.

After viewing his staying power over 25 years of police service and under four different city managers, there is no doubt but what affable George Bichsel will be chief over those 900 police officers.



INTERVIEW: Judge Brown

EDITOR'S NOTE: Judge Archie Brown is a member of the Special Instructional Staff of the School of Law. He is presently teaching Criminal Law. Judge Brown is also Past President of the university alumni and a member of the Board of Trustees.

QUESTION: What would you say your philosophy of law is?

ANSWER: Law is practical and deeply rooted in history yet, because it has to do with day-to-day human relations, law has to be viewed in the modern times. Law has to some extent look backward, to provide stability, yet it must be revamped from time to time and it is probably the job of the trial court to take these first "faltering steps," else, the appellate courts may never get the chance to create the change. You may have to live dangerously, sometimes, even at the bottom judicial rung of the ladder in order to contribute to the development of the law.

QUESTION: What are your views on capital punishment?

ANSWER: "I've always had serious misgivings about capital punishment from religious, moral and legal standpoints." There has been no apparent increase in crime in states where it has been abolished. If it is not the deterrent it is claimed to be, then there is no reason for taking human life.

QUESTION: Do you believe in a legal arrangement which contemplates public defenders, or do you believe that defense should be left to the individual?

ANSWER: If proper mechanics are devised for appointment of attorneys early enough, I believe that attorneys are public spirited enough to handle, competently, all defenses of all crimes. The public defense system is a step towards socialized law which **I am against.**

The solution is to pass legislation allowing for payment of fees commensurate with the amount

of work and expense involved. Most lawyers will give willingly of their time, but to give of their money is going too far.

QUESTION: You were quoted in "Time" recently, as holding that there should be greater participation on the part of the public in the courts. Will you expand on this?

ANSWER: I think that justice is a valuable right of every citizen and public awareness of and interest in judicial processes will not only guarantee justice but will also make the citizens aware of the problems in their community. A detached attitude towards the type of community in which they live will only contribute towards a deterioration of the moral aspects of the community. The indifference of the public towards the individuals involved is detrimental to the community. The members of the community must identify themselves with the problems of the community in order that there be a public awareness; for example, if a life is taken illegally, it **should involve**, to some extent, **each individual** in the community.

QUESTION: What reading, other than law, do you do?

ANSWER: Fiction and non-fiction, court periodicals; the more general knowledge you have the better appraisal you have of law, life in general, history, philosophy and government. A connotation of our "profession" is that we be as knowledgeable as possible in all areas. The lawyer who reads law only becomes a mechanic. You need to continue to broaden your knowledge rather than funnel it.

Dean's List, Fall 1964

DAY DIVISION

	Average	Hours
1. Crosby, Mary Anne	84.1	75
2. Labay, Eugene B.	83.4	84
3. Hendrix, Dennis	81.8	51
4. Spector, Rose	80.9	81
5. Topham, James T.	80.7	73
6. Wolff, Nelson	80.6	52
7. Killian, John M.	80.2	53
8. O'Connell, Tom	79.8	70
9. Simmang, Michael J.	78.9	42
10. Ransom, Champe C.	78.6	35
Tondre, Brice	78.6	34
11. Ferguson, Donald	77.7	58
12. Heartfield, Thad	77.6	80
O'Quinn, Michael B.	77.6	69
Flowers, Aubrey J.	77.6	50
13. Rutherford, Daniel	77.3	59
14. Stein, Melvern	77.2	35
15. Cappadona, Louis	77	63

EVENING DIVISION

1. Sanders, John L.	84.9	43
2. Parker, James M.	83.1	57
3. Kayser, Thomas C.	83	69
4. Tippins, Robert M.	80.6	59
5. Holland, William E.	79.9	37
6. McGinty, John P.	79.7	61
7. Michaud, Leo C.	79	51
8. Adams, William	78.5	27
9. Pittman, Philip J.	77.2	77
SCHOOL AVERAGE	72.6	

YOUNG LAWYERS' INSTITUTE

The Young Lawyers' Institute held in San Antonio last year was the first of its kind in Texas. The Institute was well received and other Junior Bar Associations have held similar institutes patterned after the San Antonio Young Lawyers' Institute of 1964. On Friday, April 9, 1965, the San Antonio Junior Bar Association will hold the Second Annual Young Lawyers' Institute.

The Young Lawyers' Institute is co-sponsored by the San Antonio Junior Bar Association and St. Mary's School of Law. It is specifically designed to give the interested law student and the fledgling lawyer some practical "know-how" which ordinarily is learned only from experience after many years of law practice. It will aid students to "bridge the gap" between law school and actual practice, the format being complementary rather than a duplication of law school instruction.

This year the list of experienced and distinguished speakers will be headed by the Hon. W. St. John Garwood. Justice Garwood has been a member of the Texas Supreme Court, Professor of Law at the University of Texas, and a partner in the firm of Baker, Botts, Shephard & Garwood. He will serve the Young Lawyers' Institute by being the Presiding Judge in a jury selection skit involving a hypothetical personal injury lawsuit.

The topics and speakers for this year's Institute are as follows:

1. **Family Law:** One hour lecture on the handling of a divorce case from beginning to end, presented by the Hon. Joe Frazier Brown. Included will be a discussion of child custody, separation agreements, alimony and related problems. Valuable forms will be available. Joe Frazier Brown is the current president of the San Antonio Bar Association, has served as District Judge of Bexar County, Texas, and is a member of the Special Instructional Staff of St. Mary's School of Law.
2. **Advising the Small Business Man:** One hour lecture discussing the differences between partnerships and corporate forms of business, particularly tax aspects. The problems of financing, including loans from the Small Business Administration, will be covered. Speaker: Hon. W. F. Nowlin, senior partner of Matthews, Nowlin, MacFarlane and Barrett.
3. **Debt Collection:** This is a problem every young lawyer will face. Hon. Jess W. Young, former County Judge of Bexar County will discuss the entire collection procedure from initial demand letters through foreclosure, garnishment, execution and other ancillary proceedings.
4. **Traffic Cases:** One hour lecture covering the entire proceedings from citation to the filing of an appeal in the County Court. The speaker will be the Hon. Charles Biery, a recognized expert in the field of traffic cases and

senior partner in the law firm of Biery, Biery, Woods & Davis.

5. **Picking a Jury:** Practical exercise on the selection of a jury in a personal injury case. The Presiding Judge will be the Hon. W. St. John Garwood. The plaintiff's attorney will be the Hon. A. Robert Sohn. The defendant's attorney (representing the liability insurance carrier) will be the Hon. John H. Wood, Jr., senior partner of Beckmann, Standard, Wood & Vance.

Registration forms for the Institute will be made available by the State Bar Association prior to April 1, 1965. Registration will continue on the day of the Institute for those who have not registered by mail. The registration fees of \$5.00 (lawyers) and \$2.50 (students) will cover the full day of activity, printed copies of all forms and lectures, and a cocktail party which will be held at the Riverside Patio of St. Mary's Law School immediately following the Institute. The forms to be handed out have been prepared by attorneys who have had a long and **profitable** practice in their fields. These forms are not the ordinary ones found in a form book, but have been polished through years of experience.

This year's Young Lawyers' Institute promises to be another valuable contribution to the Continuing Legal Education program of the State Bar of Texas. Every "student of the law" should plan on attending this excellent presentation.



Our policy of retaining the attorney designated by the Testator or Trustor is one of the reasons why so many Texas attorneys rely on the Trust Department of the ALAMO NATIONAL BANK.

Alumni News



Charles Smith

Charles Smith, '55, has been named the "Outstanding Young Man of 1964" by the San Antonio Junior Chamber of Commerce. Charles authored the "Jaycee Plan" which suggested a division of the Probate Court in order to provide better facilities. He also spearheaded last year's bond issue and has been active in other planning groups. While at St. Mary's, Charles was an honor student and was also elected Student Bar President. He was an assistant city attorney before becoming a partner in the firm of Groce, Hebdon, Fahey and Smith.

Richard Wilson, '61, has left private practice to assume the newly created position of Administrative Assistant with The Lone Star Brewing Co.

Tom Joseph, '61, after serving three years with the Air Force JAG in Ankara, Turkey, has decided to forego a position with a civilian corporation there and return to the Alamo City. He has opened offices in the Tower Life Building with W. T. Acklen.

Currently serving a tour of duty in the Army JAG are Lieutenants **John Fashing, '63**; **Durwood Self, '64**, and **Olin Strauss, '64**. After completing the Officers Orientation Course at Fort Benning, they attended the Special Course at the JAG School, University of Virginia. John and Olin are assigned to duty at Ft. Hood and Durward is assigned to Ft. Lewis, Washington.

George Guynes Jr., '63, has joined the firm of McKenna and Sommer in Santa Fe, N.M. George returned to San Antonio for a visit during the Christmas holidays.

Robert Davis, '61, is also serving with the Armed Forces. "Big Bob" is with Navy JAG at Norfolk, Va. He plans to return to San Antonio at the completion of his tour in June, 1965.

On a sombre note, we regretfully report the death of two alumni. **Harold Hall, '50**, passed away recently in San Antonio. Harold had been the Assistant D.A. to Charles Lieck and later Corporation Court judge. Air Force Lt. Colonel **George Vleisides**, who attended the night school prior to being transferred last fall, was killed in the crash of his plane in South Vietnam.

Anne Williams, '64, one of the ever-growing number of female lawyers coming out of St. Mary's, has been appointed as an assistant D.A. by San Antonio District Attorney **Jim Barlow, '54**.

Charles E. Cantu, '64, is currently attending the Graduate School of Southern Methodist University Law School. Charley received the scholarship reserved for an American student. The school has an international student body and offers one scholarship per selected country. On a recent visit to San Antonio, Charley remarked that in addition to his legal studies, he is also receiving a broad informal education in foreign languages. His fellow students come from such countries as Germany, Brazil, Malaysia and Pakistan.

Fletcher Brown, '63, has literally planted roots in Arcadia. In addition to putting up law offices for the partnership of Hall and Brown, he has also planted a small orange grove. Just another example of the versatility of lawyers.

Frank Manupelli, '50, has been appointed General Manager of the San Antonio HemisFair Project. Frank previously was an F.B.I. agent.

Archie Anderson, '64, and **Oliver Holden, '64**, find themselves working together again which is reminiscent of their days at St. Mary's. Both are assistant city attorneys here in San Antonio. Archie has been transferred from the back tax office to join Oliver in Corporation Court. Both are handling cases daily. Recently Oliver prosecuted the city's case against a large grocery store chain concerning the use of sawdust on the floor in the butcher section. Oliver won the case. Perhaps future law students will study the "Sawdust Case" and it will take its place along with the other landmark cases in Texas judicial history.

Phlete Martin, is joining his father in the latter's practice in Corpus Christi. Phlete passed the October '64 Bar.



EDWIN P. HORNER (right), Instructor in Law at St. Mary's University of San Antonio, is one of seven editors of the **Oil and Gas Reporter** honored recently at the opening session of the Sixteenth Annual Institute on Oil and Gas Law and Taxation in Dallas. Mr. Horner received an electronic clock from Dean Robert G. Storey (center), president of The Southwestern Legal Foundation, in recognition of five years of service on the Editorial Board.

(Continued on Page 12)

OIL AND GAS EDITORS, Cont.

Other editors receiving application awards for ten years of service are: Arthur B. Custy (left), University of Mississippi School of Law; Eugene O. Kuntz, University of Oklahoma College of Law; Dean Charles O. Galvin, Southern Methodist University School of Law (not shown); John C. Jacobs, Jr., Houston attorney; Dean Richard C. Maxwell, University of California at Los Angeles School of Law, and Roscoe Walker Jr., Denver attorney. Miss Armine Ernst is administrative editor of the Reporter.

Alumni Honor Roll

It is with great pride that we list our Law School Alumni who have contributed to the 1964-1965 Annual Alumni Living Endowment Fund. To date 106 Alumni have donated and pledged the sum of \$3,536.00.

These funds will be utilized for the new Law Center which will be located on the Woodlawn Campus of St. Mary's University.

Brown, William G.; Kennedy, Patrick J.; Aycock, Bruce; Beuhler, William W., Jr.; Ferro, Anthony J.; Leon, Jack Paul; Rodgers, Frank C.;

(Continued on Page 13)

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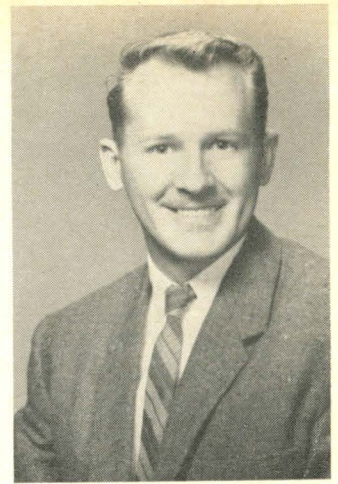
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ALSA Circuit Report



by Marion Carson

To begin with, the organizational structure of the American Law Student Association basically consists of a national president and it is divided into circuits through which are elected a national vice-president to represent each of the circuits. The Fifth Circuit was composed of Florida, Georgia, Alabama, Mississippi, Louisiana and Texas. It has been the largest of the circuits. Charles Sansone, the outgoing national vice-president, asked the Executive Council in Chicago, if they would authorize a circuit split. This was done. The circuit was split into the Fifth and Thirteenth Circuits. The Fifth Circuit then consisted of Florida, Georgia, Alabama and Mississippi. The Thirteenth Circuit then is now composed of Louisiana and Texas. Charles Sansone remained as the Fifth Circuit national vice-president, and appointed to office as the temporary national vice-president for the newly formed Thirteenth Circuit was John Compere.

At the Circuit Convention hosted by Tulane University School of Law and Loyola University School of Law in New Orleans, this circuit split was ratified by acclamation and John Compere was officially elected as our national vice-president for the Thirteenth Circuit. If by chance this circuit split is not approved at the national convention by the House of Delegates, then at this time a new election will be held to determine the national vice-president for the old Fifth Circuit.

The Circuit Convention in New Orleans was one of the most successful conventions held. It hosted a number of outstanding speakers who appeared within their program. Members of the panel of the seminar on "Freedom of the Press vs. Individual Rights," were: Irvin Dymond, outstanding criminal attorney, who had attended both Loyola University and Tulane University School of Law; Ashton Phelps, representing Times-Picayune in a \$3,000,000 suit; and Hodding Carter, winner of the Pulitzer Prize for Editorials in 1946, member of the Pulitzer Prize Advisory Board and author of eleven (11) books also joined in a \$2,000,000 suit, and joined by General Walker.

Other speakers present were the Honorable Robert A. Ainsworth of the United States Fifth Circuit District Court. His topic was "The Need for Criminal Attorneys," and the Honorable Raymond H. Kieer, leading personal injury attorney, whose topic was "Demonstrative Events."

ALUMNI HONOR ROLL, Con't.

Salyer, William J.; Plumb, Peter N.; Carp, Edwin W.; Haberman, Carol R.; Cristopher, Henry W., Jr.; Johnson, Clyde E.; Tafolla, John F.; Clark, Fred R.; Hill, Frank Y.; Speert, Victor A.; Biery, Charles & Sam; Lewis, James W.; Pompa, Gilbert G.; Sewell, George; Farnsworth, Ken; Cobb, Earl, Jr.; Valdespino, Henry; Lozano, William R.; Lilly, Claude B., Jr.; McNeill, Wade; Pope, John A., III; Leshner, Judge A. C., Jr.; Morris, Ben S.; Herrman, Ronald J.; Bart, Joseph L., Jr.; Derrick, Daniel F.; Schmidt, Hilmer L., Jr.; Westra, Donald F.; Walawender, Norman F.; Gonzalez, Jose R.; Dulaney, Gene L.; Piperi, Ronald A.; Thorpe, Thomas B.; Gilliland, John M.; Undritz, Col. F. R.; Garcia, H. P.; Brewer, J. Kenneth; Ward, James; Culp, Vann L.; Reeves, Blair; Ball, C. Damon; Offer, Alfred W.; Fahey, Edward P.; Barrera, Roy R.; Flatten, Capt. Franklin; Warncke, James P.; Shumard, Judge M. A.; Strickland, Robert L.; Simcock, William R.; Smith, Charles; Valdez, G. J.; Daniels, John A.; Legan, Pat; Laflin, James; Halbig, Mrs. Lorraine; Besch, Dr. Ernest H.; Waitz, Bruce; Chapin, Tuck R.; Leeman, Elizabeth M.; Pena, Manuel; Gross, Peter S., Jr.; Barlow, James E.; Lipinski, Marcellus F.; Traweek, Robert L.; Tarlton, Vincent B.; Untermeyer, E. C.; Ruble, Charles H.; Stateson, Joseph Y.; Alvarez, Louis A.; Lee, Thomas B.; Hale, James R.; Guenther, Jack; Collins, Morris L.; Leopold, Aloysius; Pons, Anthony J.; Machado, Mike M.; Lang, Judge Lawrence; Hernandez, Joseph L.; Holden, Oliver; Alexander, Stewart J.; Besch, Carl D.; Coe, Alex Marshall; Cook, August J.; Spencer, John; Thompson, Clifford; Hoffman, B. J. Lange; Drought, Thomas; Brown, Judge Archie S.; Pen-shorn, E. W.; Casseb, Paul E.; Christian, Frank P.; Korp, Henry J.; Lewis, Leon O.; Schmidt, Curt E.; Craven, Robert F.; Tynan, Leo C., Jr.; Carter R. Emmett; Stolhandske, Carl T., and Bitsis, Sparta C.

President's Letter

A great number of students may become disappointed because they cannot find any useful purpose for themselves in the school's activities. Perhaps it is because they sit around and wait to be asked to participate in some worthwhile endeavor. It should be understood that every member of the BARRISTER CLUB is, in a sense, preparing himself in an endeavor to perform the worthy and useful service of preserving man's dignity. Our BARRISTERS CLUB makes possible a better understanding between the law student and the professional man of law. The BARRISTER who participates in our club will be equipped to be a better citizen, a better professional man, and above all, a better individual.

To be a BARRISTER is more than a privilege—it is an opportunity; an opportunity to lead a useful life and to adapt the principles of law and justice to the daily task which we perform; an opportunity to associate with men who have our best interests at heart, and who are willing and ready to help support our worthwhile understandings.

During this new administration it will be the purpose of the BARRISTERS CLUB to introduce many practical aspects and skills in the field of law. Remember, what we do now will decide the future.

Gale Castillo



NEWLY ELECTED OFFICERS OF THE BARRISTERS (SBA) — Left to right: Marcel Notzon; Al Garza; Harriett Owens; Gale Castillo; Michael LaHood; John Oppenheimer.

EDITORIALS

SBA PRESIDENCY

by Nelson Wolff

The office of president of the Barristers is a mockery. It is an office without substance. It is only a popularity contest with no thought as to what the particular individual that the students elect will do for the student body. Elections once a year are not necessary for continuity because there is nothing to continue. These statements were made by a student at the Barristers meeting on February 26, 1965. This was brought up in a general discussion over a proposed amendment to make student bar elections only once a year rather than semi-annually. The proposed amendment failed.

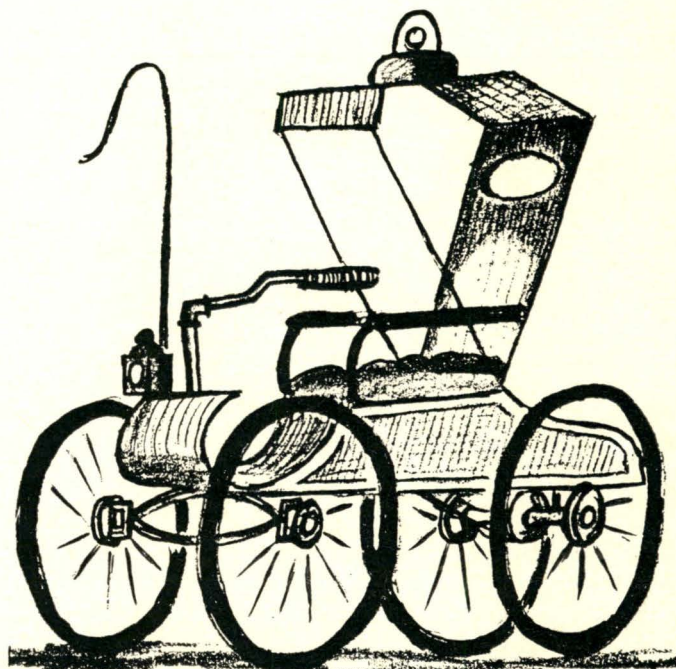
This was not only a slap at the office of president, but also a slap at the student and the whole student body. Whether it is a deserving slap is one that may be at least open to some question.

When I took office as president in the fall of 1964, there was not one single Barrister program. Working in conjunction with the other officers, we have tried to make some changes. I am well aware that we have not made an abrupt change in the functioning of the student body, but we have made changes. The things that we have done are not worth putting on a banner and waving around, but I do believe they are worth stating in this article.

1. We had a successful Christmas Dance at which a profit was made.
2. The Christmas party held for the faculty was considered as one of the best in recent years by the Dean.
3. When parking rates were raised at the River Garage, we met and formed a committee to negotiate with the garage to lower the rates back to what they were. We were successful and as a result, the entire student body was saved approximately \$200.00 per semester.
4. A new type of orientation was tried this semester with the freshmen. Instead of having the old students listen to the same thing each semester, we held a special meeting for the freshmen and introduced study methods to them. The second phase of this will be carried out in the middle of the semester regarding how to take exams.
5. A new bulletin board was erected.
6. The following speakers were provided for the assemblies:
Dr. Sean Burke
Mr. Francis B. Roser

7. Supreme Court Justice James A. Norvell spoke to the students on March 12, 1965, on the history of the Supreme Court. Dr. Urban Terbeiten did speak on March 26, 1965, on the use of medical testimony in personal injury cases.
8. An honor code has been drafted by a committee. The faculty has made recommendations to the code. It is now in the hands of the committee with the recommendations. It will be before the student body soon.
9. Thad Hartfield, vice president, has started negotiations with the Junior Bar whereby they will work with the Barristers Club in providing law clerk jobs for the students.

I believe our student government is serving a valid function. It is clearly not as active a government as one in undergraduate school would be because time and circumstances do not permit it. It is your organization, you are the one who determines what its functions should be, and you are responsible for its actions. If you wish to criticize, why not criticize in one breath and in the next offer your help and assistance in improving what you have criticized. A nihilistic, if successful, wakes up in the morning and finds he has nothing left to criticize. He destroys without any conception as to what to put in its place. There is a minority faction which feels this way. I hope you decide that it will remain a minority faction.



SELMA POLICE

THE PARTISAN

Without discussing the reasons for the resignation of Carroll Sierk, the Partisan would like to and does note that a fine man, a competent teacher, a loyal alumnus, and a true friend of students is leaving our midst. No true replacement can be made.

* * *

The recent defeat of the Student Bar constitutional issue yearly elections instead of present bi-quarterly coronations was the death knell of revision in the Student Bar. Reform is not done with immediacy but past President Nelson Wolff at least aroused some potential in the Student Bar. SBA politicians, incensed at the prospect they would not be able to hold all nine offices in three years, rose to the occasion with the oratory of self-interest. The SBA will never be effective so long as the name-seeking agrandizers contain the organization at its present capacity.

* * *

Ideally, a professor grades papers objectively without any influence of personality, wealth, power, et cetera. But this ideal is rarely reached by professors or anyone else for that matter. Human nature reacts favorably to friendly stimulus and not so favorably to inimical stimulus. Why then, should the School of Law continue the time-honored tradition of the student-number system for examinations? To use a number instead of a name, protects individuals from the prejudicial bias of the grader, say proponents. It is the observation of the Partisan that at least some graders know that number 55 is John Q. before the grades are officially posted. Solution? Either eliminate the number system as a facade and fiction of protection thus recognizing bias for what it is or secretly assign numbers so that only the student and the person making assignments know the students' identity.

* * *

It seems that the law school has become a good source of controversy to local columnist Paul Thompson. So long as the man prints the truth let him be exhorted for men of strength have little to hide. If he airs dirty laundry let us not scour the halls seeking the informer but wash the dirty laundry.

The Longest Days

by LOU CAPPADONA

The time is D-Day plus 21 days. Tension has been running high and there is a feeling that today it might hit. There are more than the usual number of students loitering listlessly around the halls. The old timers talk about graduation and the good old days when life was easier. The newcomers try to feign detachment and strain too hard to affect a blasé attitude. Two or three James Bond types are cleverly faking a conversation in front of the Dean's office while cunningly watching every movement that Elaine makes. One suddenly gestures to the others. "She's typing them up now." The others roughly grab him and slap him across the face. "Get a hold of yourself, man, she's only typing up the names of the poor jokers who didn't pay their tui-

tion." "I'm sorry fellas, I guess I've lost the stomach for this dirty game." Time drags on and the moving shadows on the artistic old Dr. Pepper machine reveal that afternoon is approaching. A student with a butt clenched firmly between his teeth says, "It always hurts more when you get it on a Friday afternoon." His listener, without looking up, grits out, "You knew what to expect when you signed up for this business." A grizzled old veteran confidently announces that it won't come until after 4:30. "They always do it that way so we can't get to 'em." Another says that he heard on the best authority at the "Majestic Club" that it would be flown in sometime in early May." Suddenly the advance lookouts at the front office give the disaster signal. The door opens and Elaine walks out and down the long, long hall to the bulletin board. Prof. Cadena gleefully

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hops out of his office to view the impending tragedy. Humanity is now appearing from all sides. Out they pour from the library, the lounge, the Majestic Club. The key is in the lock. It sticks. She fumbles with it. "Hurry up, I can't take much more of this agony." Slowly it is moved up alongside the many other equally torturous horrors. The tack is in. The long horrible moment of silence. A young newcomer grabs his throat and collapses into his companion's arms. As they lead him off to the Majestic First Aid Station, he deliriously screams, "I've passed, I've passed." An old timer stutteringly protests in disbelief, "It can't be, it can't be, they can't bust a senior." Still another is gratefully blabbering that while it's bad "my average is still 70.01." And so it goes, on and on, and the crowd slowly disperses into the lengthening afternoon shadows. Another set of grades has been posted — Amen.

LAW DAY 1965

“... Respect for law is the condition upon which our whole social order depends. Observance of the law is essential to public order and to the strengthening of the individual rights of our citizens. A viable democracy requires understanding of the nature and basis of our freedoms and recognition of the individual responsibilities which those freedoms impose.” Lyndon B. Johnson, Proclamation, Law Day U.S.A., May 1, 1964.

Today in our country the average individual enjoys more equal social justice, greater protection of life, liberty and property, a broader opportunity to pursue happiness, and more personal freedom than has ever been provided for the common man by any other legal system in recorded history. The basic principles of natural law are (1) that justice is part of man's nature, not merely a product of his desires; (2) that the law of nature is the law of reason, so that what is unreasonable or arbitrary cannot be just; (3) that the law of nature is universal, not limited to any one time or place; and (4) that men are by nature equal and that the decisions of the majority, though not infallible, should govern because they provide the only practical way of deciding what is just and in the best interests of society.

The Anglo-American legal system draws its vitality and endurance from the recognition of rights and liberties possessed by individuals under “natural law”. These natural rights and liberties have been given protection under positive guarantees found in the Constitution and the Bill of Rights. Law Day USA was inaugurated by the American Bar Association in 1958 to provide a significant answer to communism's May Day demonstrations by calling upon the American people to re-dedicate themselves to ideals of equality and justice in their relations with one another and in their relations with other nations.

Law Day is more than a mere protest. It is a day on which we must “test ourselves by the standards of justice; to note our shortcomings and to correct them.” J. Doyle, “Ceremony of Innocence”, Vol. XII, No. 1, BARRISTER NEWS (Summer, 1964). With these thoughts in mind, the Barristers (SBA) of St. Mary's School of Law established an Annual Law Day to give recognition to those individuals who have given freely and unselfishly of their time to the furtherance of justice and equality.

Luncheon

The Annual Law Day Luncheon will be held on May 4, 1965, at the Grand Ballroom of the Gunter Hotel starting promptly at 12 o'clock noon. Sponsored by the Barristers (SBA), the luncheon honors the Justices of the Supreme Court of Texas and the Judges of the Court of Criminal Appeals. The Law Day Awards Cocktail Party will be held at 4 o'clock

in the North Terrace Room of the Gunter Hotel. This activity is sponsored by Phi Delta Phi and Delta Theta Phi Law fraternities and is another highlight of the Law Day ceremonies. During the cocktail party, student achievement awards will be presented by Delta Theta Phi, Phi Delta Phi and Delta Alpha Delta.

Law Day Honorees

LL.D. Honoris Causa
B. F. Biaggini
Executive Vice President and
Director—
Southern Pacific Company

Rosewood Gavel Award
Meade F. Griffin
Associate Justice,
Supreme Court of Texas

St. Thomas More Award
Robert G. Storey
Dean Emeritus,
Southern Methodist University
School of Law
Past President, American
Bar Association

Mr. Charles E. Cantu
Lawyer's Inn
Southern Methodist Univ.
School of Law
Dallas, Texas

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