



# The BARRISTER

School of Law, N. C. College, Durham, N. C.

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## STATE BOARD OF HIGHER EDUCATION PROPOSED CLOSING OF LAW SCHOOL

### Duke University And North Carolina College Law Schools To Stage Law Institute For Minorities, June 6 - July 3

By James McNeil

A training program to give prospective students from minority groups an early footing in their studies for a law degree will be brought to the campuses of North Carolina College and Duke University.

A four-week institute will be conducted for 40 students—probably all Negroes—from throughout the Southeast. The program will be sponsored by the Council on Legal Education Opportunity (CLEO) which was formed by the American Bar Association and the American Association of Law Schools.

Announcement of the summer program was made by Dean Daniel G. Sampson of the NCC Law School and Duke Law Prof. Ernest Gellhorn. Dates for the institute are June 6-July 3.

Gellhorn said the effort is designed exclusively for students from minority groups. The ABA sponsors other programs for underprivileged students from all races he said.

The Durham program, Sampson said, will serve students from an area extending from Florida to Virginia and west to Tennessee and Alabama. The deadline for applications is March 15.

He said students will be drawn from those graduating in June and those who have decided to study law after several years of employment.

Participants will be housed

and fed on both campuses. Tuition room and board, books, a travel allowance, and a stipend to replace lost summer earnings will be given to those accepted for the program.

The curriculum will include a regular law school course covering subjects as manufacturers' product liability, contract law, constitutional law and legislation.

Two or three hours each week will be scheduled for moot court proceedings with each student taking part in two trials—one for criminal proceedings and the other simulating a constitutional case before an appellate court.

Another area of studies will include a broad background in negotiations with the emphasis placed on how law is applied and works in communities. This will entail problems of urban renewal from the point of view of city officials and tenants threatened with displacement.

Finally, it was suggested that the curriculum will be rounded out with courses in public housing, the operations of court offices, the bail system and racial relations.

CLEO will sponsor summer institutes at nine other locations across the nation in addition to the Duke-NCC program. The objective of the council when it was organized a year ago was to "enhance the opportunities to study and practice law for members of disadvantaged minority groups—chiefly Negroes, American Indians and Mexican-Americans."

### From Ranks Of The Poor To Duke Law School

Duke University has begun a quest for scholarship money to bring underprivileged students into its law school.

The university has received \$85,500 from the Field Foundation of New York to pay the tuition for five students in each of the freshman classes during the next three years.

As the tuition will be paid throughout the three-year period of law studies, the commitment will extend over five years. The annual tuition is \$1,900.

Prof. Ernest Gellhorn, who with Law Dean A. Kenneth Pye, has coordinated the program, hopes the Field Foundation grant will be seed money. Also being sought from several other sources are funds to pay living expenses and other fees.

The proposal, partly financed by the Field Foundation grant, outlined by Gellhorn calls for \$115,000 to be used each year for sending underprivileged students—primarily Negroes—through the Duke Law School. Officials would like to see a minimum of 10 per cent of each class drawn from the ranks of the poor.

"We feel the benefit from this program is a two-way street," Gellhorn insists. "We can't have realistic discussions of laws dealing with poverty and consumer protection with all students from upper middle class families," he says.

Gellhorn also sees built in (Please turn to page 6)

The State Board of Higher Education announced and recommended that North Carolina College School of Law be "phased out" by 1974. The Board gave as one of its reasons "that too few Negroes study law at NCC Law School and it is economically unfeasible to keep the law school open." The Board's recommendation is "on the assumption that the Law school of the University of North Carolina will be able to show during the next two years that, through special effort it can enroll substantial numbers of Negro students." At the present time, Feb. of 1969, the ratio of white to Blacks at NCC Law schools has the following composition: 14 whites to 75 blacks or approx. 7 to 1, while that at the University of N. C. is 1 Negro to 519 whites or approx. 500 to 1.

### Law Review Charts New Direction

By Vincent P. Maltese

The Law Review intends to go Nationwide this year, a first in this school's history. In the past years the Law Review has been published on a regional basis only.

The reasons for this innovation are two-fold: first to acquaint the other law schools in America with what North Carolina College is doing in the field of written expression, and two, to compete with the other American law schools in approaching novel or contemporary problems and subjects in an academic manner.

Quality will not be sacrificed for quantity. Each article submitted to the Law Review Staff of Editors is channeled through a host of editors and researchers (Please turn to page 6)



## THE BARRISTER

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## EDITORS NOTES

## A Time For A New Grading System

By JAMES E. McNEIL

At the end of each semester there is a furious uproar from the students in Law school concerning grades. What is the case in behalf of the letter grading and grade point system? There is none, except for a reverence of a venerable system. This system of giving letter grades is as dead as Ulysses, and everybody knows it is dead, but who dares touch it? Why make one's self foolish? The Graduate schools all over the country usually give one of three grades —H—Passed High, P—Passed, F—failed. They are not concerned with awarding degrees cum laude, magna cum laude, and summa cum laude and Oh laude! They are saying that this is the primary purpose of the undergraduate school, not a graduate or professional school. This idea is steadily catching fire in the Ivy League Law Schools, namely, Yale, Harvard and Columbia. Many students of this law school have expressed an interest in eliminating the

present grading system, either completely or by substitution of a reasonable modification. My plan is four folds: (1) The elimination of rank in class except for such limited internal purposes as awarding certain academic prizes. (2) The elimination of grade point average in determining membership in the law school's grade based student organizations and law reviews. (3) The elimination of cum laude magna cum laude and summa cum laude degrees. and (4) The reporting of grades in letter form. This plan seeks to recognize the top one third who justly deserve recognition without apparently punishing the middle-third and arguably destroying the lower-third as the system in the past has done. Presently, the grade reform movement has no announced leadership. However, this editor, will serve as a non-partisan source of information to those who are interested in grade reform.

## The Proposed Closing Of The School Of Law

The recommendation of the Board of Higher Education that North Carolina College School of law be "phased out" by 1974 should be examined in the light of existing circumstances and conditions in this country.

The Board's observations—that too few Negroes study law at NCC Law School and is economically unfeasible to keep the law school open—is surely unacceptable and is denied.

As Prof. Gellhorn of the Duke University Law faculty recently stated "The need for Negro at-

torneys to provide leadership for the disadvantage is great." Although North Carolina leads all states in the South in the number of Negro Attorneys (90), while Texas is not far behind with 85 and Mississippi last with only 9, yet this is not a glowing picture. Looking at these figures from another angle, North Carolina has a Negro Attorney for every 12,400 blacks in the state, on the other hand, there is one white lawyer for every 768 white residents. When you consider that of these 90

## Should Legal Accounting Be Offered In Law School

By James W. Smith

To say whether or not Legal Accounting should be offered in Law Schools, it is necessary that one has knowledge of what Legal Accounting is and for what purposes it serves the law student.

As a law student, Legal Accounting would be designed to give him a thorough legal understanding and training in the art of recording, classifying, and summarizing in a significant manner and in terms of money, transaction and events which are, in part at least, of a financial character, and interpreting

Negro lawyers qualified to practice in North Carolina, only 69 are practicing law, the ratios become more astonishingly one-sided, for then there is one practicing Negro lawyer to every 16,910 Negro residents. This is but one Negro lawyer for every one and two-fifths counties in the state as compared with 44.5 white lawyers for each county within the state.

It may be noted that the Board of Higher Education's recommendation is "on assumption that the law school of the University of North Carolina will be able to show during the next two years that, through special efforts, it can enroll substantial numbers of Negro students."

At the present time, February of 1969, the ratio of white to blacks at NCC Law school has the following composition: 14 whites or approx. 7 to 1, while that at the Univ. of North Carolina is 1 Negro to 519 whites or approx. 500 to 1. Therefore, to the most unintelligent individual, it is aparent that the student body of NCC Law School is approx. 84 per cent and 16 per cent white, while the student body at the law school of the Univ. of N. C. is 99.99806 per cent white and 0.00194 per cent Negro.

One need not be a social scientist to recognize that this is an unfortunatue situation. Our society is based upon law and order, and lawyers symbolize and promote law and order. As more Negroes become successful lawyers and obtain positions of public prominence, Negroes in general will have better reasons for respecting the law.

the results thereof.

Whether we acknowledge it or not, the primary function of the law school is the training of the young people for thorough practice of law. There is no reason why law graduates should be less equipped to practice his profession upon graduation, than the engineer, accountant, physician or dentist. The study of law as a profession only enhances its values as a social and philosophical science.

The social changes and the progressive businessman's desire to become even more progressive has made it a necessity that the law graduate knows something about everything that confronts him or the society. It is said that a lawyer is a "social engineer." More and more, the law graduate may find himself working for a client who has a dual problem. He may need the advice of an accountant as well as that of a lawyer. It is easy to see that one with training in Legal Accounting would be an asset to this individual.

All professional men will agree that clients are entitled to receive quality service—whether legal or accounting. When a client visits his lawyer, he has some facts, some ideas, some questions, or some problems. Here again if one is not in a position to analyze his facts, understand his ideas answer his questions, or solve his problems; then maybe he has not prepared himself properly to take on the responsibilities of a lawyer. Suppose the facts, ideas, questions or problems involved some legal knowledge of accounting. The client is expecting the lawyer to tell him something. And believe it or not, to give some correct information or advice.

That young lawyer who graduates not prepared is a menace to his client and the responsibility for this danger to society by graduating incompetents is not only that of the law students but that of the law schools by no teaching or offering or making available information which is pertinent to the lawyer's success.

In answering the question, "Should Legal Accounting be offered in Law School," it is my (Please turn to page 6)



## THE PROFESSOR'S CORNER

By James McNeil

Professor LeMarquis DeJarmon received an A.B. degree from Howard University in 1939, J.D. degree, Western Reserve University in 1948, LL.M., New York University in 1962. Mr. DeJarmon taught law at South Carolina State College School of Law from 1948 to 1955. He came to NCC School of Law in 1955 as an associate professor. Professor DeJarmon is the author of several articles, and has written a handbook for University and college discipline committees, "The Cap, The Gown and the Robe Since 1960," published by the North Carolina College Bureau of Evaluation and Research. He also is a contributor of 5 articles to Encyclopedia Internationale, 1968 Edition.

Professor DeJarmon was once faculty-advisor to the SBA; and has been coach of the Moot Teams, since 1957. These Moot Court Teams have always made impressionable showings in our Regional Moot Court Competition. The 1964 team was runner-up in the Regional Competition and advanced to the National Finals. Mr. DeJarmon is currently teaching Property I and III, Conflicts of Laws, Labor Law, Legal Problems of the Poor, and Administrative Law. He will also serve as a co-operating instructor in the summer CLEO program sponsored jointly by Duke University and NCC Schools of Law.

\* \* \*

An Interview with  
Prof. DeJarmon

**Q. Are you really the "Good-Humor" type of professor that you outwardly show?**

A. This question comes as a surprise to me. The comments from the students that I overhear while walking through the building would seem to suggest something other than "good humor."

**Q. Are you nervous in class?**

A. No. I would not say nervous. However, I am concerned as to whether I am getting over to the students as well as I would like.

**Q. How much time do you spend preparing for each class?**

A. I feel that each hour of



LeMarquis DeJarmon

classroom work requires about two to two and a half hours of outside preparation. The students will find that in the practice, the outside preparation will far exceed the actual "in court" performance. That is the nature of the game.

**Q. Are you disturbed when students enter class late and when they do not attend class?**

A. Yes. But it is not a personal disturbance. I am disturbed because of what the student is doing to himself, his fellow student, those who support him depend on him and who love him. When he fails to work up to the full measure of his capacity or when he refuses to take advantage of every possible learning situation, he short changes himself and his fellow students and disappoints those closest to him. In this highly competitive society, to voluntarily waste potential is almost criminal.

**Q. What do you do for relaxation?**

A. Argue new points of law with fellow professionals.

**Do you find time to do research?**

A. You don't find time. You make it. Research is the heart of legal reform and the need for legal reform is a vital part of legal education.

**Q. How do you think our students compare with other law students over the nation?**

A. I think they compare favorably. However I would like to

## New Courses Added To Curricula

By Joseph Arrington

Until the present school year, the requirements for graduation from the law school were to complete all of the required courses offered with a few exceptions here and there.

Dean Sampson at the first SBA meeting stated that starting this school year, this will no longer prevail. He also stated that the law school faculty has favored the inclusion of some elective courses.

One of the courses was taught last semester, that is, International Law. The course was taught last semester that is, International Law. The course was taught by Prof. John P. Dalzell who retired from the faculty of the law School of the University of N. C. last June. Mr. Dalzell had been an instructor on a part time basis at NCC Law School, but presently is teaching here as a full time Professor. Those who have taken Contracts under Mr. Dalzell and have taken no other Course from him have sometimes found

it difficult to imagine him teaching anything else. He has taught International Law and Seminar In Air Law, and he is no less competent in these field than in Contracts, but to the struggling first year student, Professor Dalzell and Contracts seem to "go together." his semester a continuing course in International Law is being taught by Mr. Dalzell.

Six (6) other courses which were required are now being taught as electives. They are Future Interests, Domestic Relations, Labor Law, Trial and Appellate Practice, Federal Jurisdiction and Sales.

The above courses are being taught by the following Instructors respectively:

Future Interests, Mr. Raymond Watkins; Domestic Relations, Mr. Pearson; Labor Law, Mr. LeMarquis DeJarmon; Trial and Appellate Practice, Mr. B. H. Payne; Federal Jurisdiction, Dean D. G. Sampson; Sales, Mr. Robert J. Nordstrom of the Duke Univ. Law School.

**Q. What improvements do you think we need most in our curriculum?**

A. Our curriculum is sound and it is practical. This year with the additions of some electives, the curriculum has been improved. The addition of a few seminars and a few more electives will continue the improvement. I am quite sure that the law school administration desires that this be done as soon as possible.

**Q. Do you think that students or representatives should sit in on faculty meetings?**

A. On this question, I have mixed reactions. I can understand that such practice might be a valuable educative experience. But, on the other hand, those who have been entrusted with the responsibility of administration must be left free to administer. A law school has the task of teaching generations. The law faculty necessarily shares a major responsibility in shaping the law school policy. In performing that responsibility, it must draw upon past and present experiences not only of its own, but also upon the past and present experiences of others in the field of legal education as well as upon the bench

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see them read more. I don't mean just reading cases and statutes, but collateral reading that will develop a broader view of society in which our legal principles must function. The *raison d'Etre* of many of our legal principles lie in the interactions of the broad society. Often, the minutiae of this society is most productive of our major constitutional doctrines.

**Q. What do you think of student government (SBA) at our law school?**

A. I think the SBA should be a vehicle for the enrichment of the student's education while he is here. In recent years, the SBA has moved in that direction. Its support and participation in the National Moot Court Competitions, The Barrister, the Law Day Program and the Law Review, are all good examples of this and should be continued and improved. However, I would like to see more. I would like to see an intra-mural moot court in which the Dean of the faculty would award a prize for the winners; weekly or bi-weekly "Bull Sessions" where the student could explore the new developments on the frontiers of the law as well as re-examine the basis for some of our present principles of law.



## Letter To Editor

To the Editor:

Some nights ago, I overheard some North Carolina College Law students discussing, "How can Black men and women in the United States of America beome **Free**?" I gathered from their discussion, that there were only three avenues open to Black people in this country. They were, violence, compromise and non-violence. It seems to me as they talked they were voicing opinions and sentiments that were being treated in other parts of the school as well as the town of Durham itself. For they are asking, "if this is a country, based on the Democratic premise, then why am I not free?" In this article I would like to review a little American History and point out how White aliens landing on these shores became or found their freedom and possibly answer the question of "what road shall we take to find freedom?"

When the first Anglo-Saxon landed on these shores at a place called Plymouth Rock, they were welcome by the inhabitants of this region, the Algonkins who in turn, offered these aliens land, peace and advice on how to survive in a strange environment. It was at this time that the INTEGRATION of races was applicable, as the alien needed the Algonkin and the Algonkins being, of a high civilize nation sought those things that would help the land and those people that needed the land to survive. We can see that this trust was rewarded with blood and violence.

For as the alien prospered, more aliens landed on these shores and the need for more land arose, so, they took the land belonging to the Algonkin and this claim jumping continued until the boundaries of the United States of America had been decided and millions of the original inhabitants had been killed. Yes! this was geno-

cide, practiced on a nation, a crime that has been listed by the historians and the news media as necessary to build this country, yes this was a justifiable act.

After World War II, the Nazi leaders were brought to trial for their crime against humanity. Then why hasn't this country been brought before the International Court and made to answer for their crime?

In the year 1860 those persons who are referred to as Southern (now called) Americans sought economic freedom from the industrial North. They had roads by which this could be done; non-violence, compromise or violence. These Democratic thinking Americans by-passed the former two methods of solving their problem and choose the latter method, being violence. So, for five years, this United States of America was engaged in a Civil War. A war that was waged on stolen land and based on the assumption that one segment of the aliens should have the same economic freedom, as the other aliens.

After this violent holocaust, what was accomplished? Nothing, for the Southern is still overshadowed and controlled by the Northern carpetbagger.

Based on the Civil War and its violent aftermath of whipping conquered people into submission. I for one can't realize, freedom coming or being enjoyed from a violent open confrontation as some people would have us believe, is the only way. For after the confrontation, we would not be able to work the land. For as the words of the old proverb state, "If two horses are fighting, the grass underneath their hoofs will suffer."

Non-violence as a method to freedom from a historical point of view hasn't enough influence or persuasion to make the power makers move towards establishing a society where all can prosper and benefit from the goods produce in this land. This was seen when the Civil Rights Bill of 1875 was ruled unconstitutional in 1883 and the Blacks in this country protested bitterly and non-violently, but nothing was done to restore their Civil Rights. It was during this

period that the Jim Crow mania seized men and continued for almost 100 years and it hasn't been settle yet. This Civil Rights bill was passed ten years after the Civil War in an non-violent atmosphere and eight years later they ruled the bill unconstitutional to give people dignity, respect and the right to move freely through the country, then we can only surmise that the power makers want one group of people to be subservient and one group to be the masters, as long as the servants suffer non-violently, for is not Poverty Slavery.

I am not going to discuss in detail the idea of compromise for the original inhabitant attempted to gain peace by compromise and in comprising they sold their land and nation down the drain.

I don't believe I like the idea of people or nations compromising their situations. It appears, in a compromise, with the power makers that our side must lose and their side must win and I don't see myself at this late stage of the game compromising again for I have been a loser all my life, from the many compromises I had make in order to try to be one of the accepted. I also don't have have anything to compromise, except my life.

I am unable to give an answer to the question that was propose by the students but I will show a view some people have taken towards the road to freedom.

On March 31, 1968, two hundred Black people from all over the United States signed a Declaration of Independence, declaring that Black people in the United States "forever free and independent of the jurisdiction of the United States." This historic signing took place in the auditorium of the Black owned Twenty Grand Motel in Detroit. It was the fruit of two days of intense deliberations some held at Detroit's Shrine of the Black Madonna, some at Wayne State University's Helen De Ray auditorium some in suites of the Motel. At the same time these dedicated men and women brought into existence the Republic of New Africa—a Black Nation, to which all Black people in America who wish to, can swear allegiance. And they elected officers of the

government. These officers will carry out the aims of the Declaration of Independence. These officers—the government of the Republic of New Africa will see to it that Black people and our new Black nation, become, in fact, free independent and successful.

This is Black Nationalism and Black Nationalism is a tendency for Black people to unite as a group as a people, in organizations or institutions that are Black led and Black controlled, and all-Black in order to fight for freedom. In other words, the Black Nationalist is primarily concern with the internal problems of the Black community, with organizing it, helping to control the economy of the community and the politics of the community. The Nationalist is not concerned with the problems of the total American Society, for the Nationalist has not theory or program for changing the White society; for the Nationalist, that's the White man's problem.

Whether a new Black nation or Black Nationalism is good or bad is up to the individual to answer. For I believe that a starving man doesn't want to hear how his children are going to be benefited in the future, for he knows if he gets benefits now, he can take care of the needs of his family for as the father or the head of the household he should know his family needs best. Granted, everyone might not know what is best for their family, but with all Black people working together we will be able to help one another and in turn help ourselves.

In closing, I have heard many speeches and talks regarding the Black situation in this country and they have talked about the Great Society, The American Dream, Times are Changing and a lot of other cliches, but remember when we talk about freedom and the best road to use to reach it, that fine words do not produce food.

Ralph Williams

*One measure of a democracy's strength is the freedom of its citizens to speak out — to dissent from the popular view. Although these opinions often does not express the view of the editors, nevertheless, we dedicate this section to that freedom.*



# ALUMNI NEWS

By James Harris



**Maynard H. Jackson**

Mr. Maynard H. Jackson was born in Dallas, Texas thirty years ago. He attended public schools in Atlanta, Georgia, where he graduated from high school at the age of 14. He went on to Morehouse College, 1952-1956, where he graduated at the age of 18.

Mr. Jackson received many academic honors and awards, he was an honor student at David T. Howard High School, Atlanta, 1950-1952, Ford Foundation Early Admission Scholar, Morehouse College, 1952-1956, and Glancy Fellow, Morehouse College, 1954-1956.

Mr. Jackson graduated with honors from North Carolina College Law School in 1964. While at he law school he received prizes in excellence in Corporations, Equity, Evidence, Insurance and Pleading. He was also captain of National Moot Court Team, and President of the Student Bar Association.

Since graduating from law school in 1964, he has passed the Georgia Bar, worked as General Attorney with National Labor Relations Board, Attorney representing indigent persons with Emory Community Legal Services Center, and Managing Attorney, charged with supervision of the Emory Neighborhood Law Office.

Attorney Jackson was a candidate for the Democratic Nomination to the United States Senate from Georgia last September.

He received 207,171 votes in concentrated, state-wide campaign against the incumbent Junior Senator, Herman E. Talmadge.

Ralph K. Frasier was born 30 years ago in Winston-Salem, N. C. He attended Hillside High School and was graduated from there 1955. He attended the University of North Carolina from Sept. 1955 to January 1953 was later interrupted from two years of military service. After completion of his military obligation, he attended North Carolina College from 1960 to January 1962 where he was graduated with a B.S. in Commerce with a major in Business Administration.

After undergraduate school,



**Ralph K. Frasier**

Mr. Frasier attended North Carolina College Law School, where he received an LL.B. Magna Cum Laude in January 1965.

Since graduation he has held positions with the Wachovia Bank and Trust Company as Legal Assistant, Assistant Vice President and recently he was appointed Head of Legal Department a first of his race to hold such a position in this Bank and any other Bank in the South.

Mr. Frasier is a member of the North Carolina Bar Association, American Bar Association, Southeastern Lawyers Association, Vice-Chairman, Winston-Salem Transit Authority

and Chairman Housing Committee, Winston-Salem Branch, NAACP.



**Cornelius E. Toole**

Cornelius E. Toole was born in Chicago thirty-five years ago. He attended parochial and public elementary schools in Chicago; graduated from Englewood High School 1950; spent one year at Wilson Junior College then went on to Drake University where he received an A.B. in Political Science in 1954.

He attended DePaul University Law School for three semesters, worked on a Master's Degree at DePaul Graduate School for about a year, and then went into the army for two years.

While in the army, Mr. Toole served with the Armistice Affairs Division Headquarters, United Nations Command, in Munsan-Ni, Korea and Seoul Korea.

Mr. Toole attended North Carolina College Law School at Durham, 1959-1963 where he received an LL.B. He graduated

with honors as the ranking student in nine American Jurisprudence Awards, and winner of the United States Law Week Award for student making most satisfactory progress in the senior year.

Since graduation, he has worked for Public Aid, Bureau of Resources and Legal Services as a Property and Insurance Resources consultant. Then for almost six years, as Assistant Public Defender of Cook County.

During those five years, he tried in excess of 100 felony juries, innumerable bench trials. He has had extensive experience in felonies, misdemeanors commencing with preliminary hearings and or coroner's inquest through the trial of bench of jury and including the Appellate Court, Supreme Court, and most recently, now, the Seventh Circuit Court of Appeals.

Mr. Toole is a member of the American Bar Association, member of the section of criminal law committee, committee on defense of indigents civil rights committee; Cooke County Bar; Illinois State Bar, member of the criminal law section, family law and real estate sections; member of the National Association of Defense Lawyers in Criminal Cases; American Trial Lawyers Association; Association of Defense Lawyers and the National Bar Association.

Currently, attorney Toole is in process of filing a \$500,000 law suit in federal court, on behalf of Mrs. Naurnel Smith, of Chicago in the shooting death of her husband who was slain Nov. 21, 1968.

Named in the suit will be the city of Chicago and Chicago Policeman, Charles Carter, of the 15th District.

Attorney Toole's present position is that of General Counsel Chicago Metropolitan Council, NAACP.

**Welcome To Law School, New  
Students And Freshmen**



## From Ranks Of The Poor

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gains for the region. To further the aim of training Negro attorneys for practice in the South, grants will be made on a 50-50 scholarship and loan basis. However one-third of the loan will be forgiven for each year the law graduate practices in the South. The entire loan is forgiven if the student spends three years in the South.

The tuition will be in the form of outright grants, it was explained. Allowances for books and living expenses would be loaned, interest free, until one year following graduation. They are payable in 10 installments, the first payment being due two years after graduation.

"We recognize that many of the students we accept will be in the high-risk category," Gellhorn explains. This also means that adjustments will have to be made in entrance requirements applied to these students."

To enable them to keep up with the more advanced students, some tutoring will be available. But at no time will professors insist that students attend tutoring sessions. The program will avoid any paternalism, Gellhorn says. Nor will tutoring mean a silent label of inferiority, he adds.

Since the Duke Law School opened its doors to Negroes in 1961, only four have actually graduated. There are three now in the school. Yet today with a small number enrolled, Duke has more Negroes seeking a legal education than in both schools at Wake Forest University and UNC-Chapel Hill. UNC is reported to have only one black student this fall.

The need for Negro attorneys to provide leadership for the disadvantaged is great, Gellhorn points out. North Carolina, which leads all states in the South, has only 90 Negro attorneys. Texas is not far behind with 85, and Mississippi has only nine.

Looking at these figures from another angle, North Carolina has a Negro attorney for every 12,400 blacks in the state. But Tennessee with 62 attorneys beats this position with one for every 9,468. The Mississippi ratio is one for every 101,667.

Gellhorn's research in laying plans for the program also in-

dicated that law schools such as Duke soon will be the only avenues open to the training of Negro lawyers.

Only four predominantly Negro law schools exist in the United States today. One of them is at North Carolina College and operates under the threat of being closed by the N. C. General Assembly which convenes this month.

The NCC Law School reports a registration of 87. Other predominantly Negro schools are Howard University with a registration of 416 (45 white students); Southern University, 31; and Texas Southern University with 87.

Gellhorn argues that increasing the number and the training of Negro attorneys attacks three causes identified with racial violence — unequal justice, employment opportunities and education.

A fourth problem which has been blamed for riots—unequal and substandard housing—is indirectly affected, he suggests.

"The shortage of Negro attorneys has deprived the Negro community of responsible, effective, stable leadership which lawyers historically have exercised in this country," he observes. "As community leaders, Negro attorneys can consolidate gains from direct action movements and build from these gains," he adds.

Gellhorn warns that it must not be assumed that legal education programs such as that envisioned for Duke are substitutes for other poverty and civil rights programs.

"These programs cannot eradicate poverty and discrimination, prevent future riots, create better housing, improve and desegregate schools, or significantly affect the job opportunities of the vast majority of American Negroes," he advises.

But programs making it easier for Negroes and other disadvantaged minorities to get a law degree can provide the new direction and means of expression necessary to advance those goals within an orderly society, he says.

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## Legal Accounting

(Continued from Page 2)

for some of the reasons that I have stated. You see, the differences between law and other graduate studies is that there is a sheer volume of material which the law student must come to grips with. And some of this should be Legal Accounting.

It is sometimes said that law unlike other disciplines is a seamless web. It means that the problems you encounter in one course or under one name or in one pigeonhole are intricately connected with hundreds of others wearing other names or stuck in other pigeonholes. My contention is why seam all of the web by excluding Legal Accounting. A legal education can never be said to be complete. There is always a new slant or some additional consideration which changes ones frame of reference enough to make him reconsider yesterday's certainty.

Therefore it is not my contention to convey to you that one should know everything when he graduates from law school, but it is my belief that courses like Legal Accounting should be made available to the law student for the mere fact that it is an established root grounded in our society.

In conclusion, I would like to think that this discussion has or will motivate the law student as to the importance of Legal Accounting, and that those who are in responsive positions will adhere to this motivated demand.

## Law Review

(Continued from Page 1)

to ascertain the academic worth of the work. The Articles are then submitted to our Literary Advisor, Mrs. Anne Duncan, Law School Librarian, for her approval. If she approves an article, it is sent back through the channel of editors and may then be submitted to the staff for acceptance.

Members of the **Law Review Staff of Editors** must be in the top-third of their class and must be invited by the Editor-in-chief to work on the Staff. The faculty must approve the nominations.

A student in the top third of his class may submit an article to the staff for consideration

## NCC Law Students Wives Association Organized

By Mrs. Jacquelyn Sampson

Early in Oct. 1968, the Barristers' Wives Club of the local bar association, sponsored a tea for the wives of the North Carolina Law School students. It was at this tea that the law students' wives also decided to formally organize and unit.

At a subsequent meeting of the law students' wives, a name for the organization was decided upon. The name North Carolina College Law Students' Wives Association was selected. It was also decided that the purpose of the organization would be to function in those less fortunate communities by providing social entertainment, understanding and good will and to be of service to the law students and law school.

Officers were elected and are as follows:

President, Marva Sampson; Vice-Pres., Rosemary Iacovitti; Sec., Dorothy Elliott; Asst. Sec., Michell Thurston; Treas., Thelma Holliday; Program Chairman, Janet Upshur; Asst. Program Chmn., Altha Manning; Social Chairman, Yvonne Sawyer; Publicity Chairman, Jacquelyn Sampson.

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as a student article, student comment, or student note. Students not in the top-third of their class wishing to submit an article may do so provided there is unanimous consent by the Staff and Literary Advisor.

This year's edition should be off the press in late April. It will contain approximately six feature articles, 4 leading articles and eight to ten student comments or notes.

Members of this year's **Law Review Board of Editors** are:

Vincent P. Maltese, Editor-in-Chief; Ronald Barbee, Managing Editor; Philip Auerbach, Publishing Editor; Diego Villarreal, Feature Article Editor; Roger Thurston, Leading Article Editor; Marvin House, Comments and Note Editor; William R. Williams; Beryl Sansom, Finance Directors; Carlton Fellers, Treasurer; James Foster, Footnote Editor; Mrs. Anne M. Duncan, Literary Advisor; Professor B. H. Payne, Advisor.



## A View Of Law School Through The Eyes Of A Female

By Cecelia Cook

I do not know that I could make entirely clear to an outsider the pleasure I have in attending law school. I had rather be a lawyer earn my living by helping others than in any other way. In my mind law is not merely a job, a profession, an occupation a struggle; it is a passion, I love the law. I love to help others, as a painter loves to paint, as a musician loves to play, as a strong man rejoices to run a race. Being a lawyer is an art—an art so great and so difficult to master that a man or a woman can spend a long life at it without realizing much more than his limitations and mistakes, and his distance for the ideal.

The field of law is an ever-changing one. The cases, classes, rules of law and the instructors never cease to amaze me. A typical day might involve reciting the entire class period, or the instructor saying, read the first 50 pages in your case-book, brief all the cases that are assigned to you, write a paper on some legal topic which will be due before final exams and if you do not have a case-book, please buy one. (Someone looked around and said what is a brief?) The instructor says, a brief usually consists of . . . well we won't spend too much time on this because you will get this in Legal Bib. or Legal Writing. You may also purchase The Restatement, which will be very helpful and The Hornbook is by . . . The roll will be called daily and you are expected to attend class. If you are not in your seat by 10 minutes after the hour you are absent. I am always present and expect you to be also. I have only missed one day this semester. Before I dismiss class you will be expected to have brief the first five cases. (Gosh I don't even have a book) Class dismissed! At the end of the day you say to yourself, is this law school?

Before the Christmas holiday vacation you suddenly realize the promisor, promisee, offeror, offeree, vendor, vendee, obligor and obligee are part of that great Freshman course, called contracts.

It may seem dark and dreary,

bumpy and curvy, tired and sleepy, overworked and unfair questions but this is the art that is so great and so difficult to master. This is Law . . .

### Professor's Corner

(Continued from Page 3)  
and bar. In the light of the student's limited time, I wonder how meaningful would be his contribution at these meetings when he has neither the responsibility nor the personal or professional ties with any of these sources.

**Q. Has the recent Board of Education proposal (closing the law school) created an uneasiness on the faculty?**

A. Uneasiness? Yes. Panic? No. The faculty may be a bit uneasy because it recognizes that the proposal of the Board of Higher Education, raising some uncertainty about the future of the law school, does not build unalterable confidence in prospective student. But at the same time it should be noted that the proposal of the BHE is indeed wide of the target set by those who devote most of their time, effort study and expertise to the area of legal education and the legal profession. The American Bar Association, The National Bar Association, The American Assembly for Law in a Changing Society, The Law School Admission Test Council and Council on Legal Education Opportunity, have all taken the position, publicly that ours and other similar law schools are needed education resources and should be aided and strengthened. The Association of American Law Schools appointed a committee that visited our law schools and studied our operation, program and practices. After such visit, the Association also took the position that our school was needed and should be aided and strengthened for its part in the task of supplying much needed lawyers.

It may be worthy to note, that is not within the memory of any one connected with the law school the time when the Board of Higher Education visited the law school or observed its program, or practices.

## Legal Aid Clinic Formed In Durham

By Don Pitts

With a recent O. E. O. grant Durham has a legal aid office to handle legal problems of the poor.

The program has two main functions, (1) Research, where in all the legal problems of the poor are evaluated, tested and researched. This mass of statistics and research materials will be located at the Duke University Law School. (2) Clinic, where the actual interviewing and handling of the client's case and case history will take place. This office is located at downtown Durham and is to be manned by Attorney C. L. James, Director, and students from the three law schools working under Attorney James as student staff assistants.

The Director of the overall program is Attorney G. Cochran. Mrs. Kay Ranilla, a recent graduate of Yale University Law School is director of research.

The clinic will handle problems in three areas: Welfare, Housing and Consumer aid.

Don Pitts and Bill Proctor of NCC, Kathy Merry and Bill Purghy of Duke and Don Grimes from UNC are coordinators of the program.

Each year more than ten people out of every thousand in this country need, but cannot afford a lawyer. Legal aid now in this country handles over 500,000 cases a year.

Because modern life keeps growing more and more complex, particularly in our larger cities . . . with installment contracts, leases, chattel mortgages, family obligations and all sorts of necessary regulations; no longer do laws apply mostly to business and property interests: these days they touch the lives of all of us.

Because justice is important. Because the American concept of government by law and not by the whims of dictators is important. We, being Back sometimes find it hard to accept the principles that all are equal before the law, and we know when we stop to think about, that in our complicated modern life legal problems do arise for almost everyone. Contracts are broken, agreements misunderstood, regulations defied. When a person

comes into conflict with another or the state itself, his "equality before the law" is a meaningless theory until he has a lawyer to represent him. I am of the opinion and therefore I am compelled to say, if he cannot afford a lawyer, he cannot afford justice and our America whose strength rests on the equal rights and opportunities of all of its citizens is just that much weaker . . . THAT'S WHY LEGAL AID IS IMPORTANT.

### Students Wives

(Continued from Page 6)

Other members are Lizzie Barber, Cheryl Blake, Norma Brown, Irene Cain, Carolyn Collins, Jo Ann Dudley Sonnet House, Roe Iacovitti, Priscilla Johnson, Carolyn Kleiman, Barbara Manning Patricia Parker, Linda Polly, Sylvia Villarreal, and Sandra Williams.

Our organization made it a point not to let our small size inhibit us, for we feel we can still do big things. For example, near Christmas we sponsored a Christmas party for the underprivileged children at the Edgemont Community Center. Games were played a movie shown and refreshments were served. Presently we are providing coffee for the law students during examination week. Future activities include a bake sale February 8, 1969, on the lot in front of A&P, a Psychology lecture concerning marriage and the family, and a cooking demonstration to be given by the Duke Power Company.

As a struggling newly organized group, we would like to solicit support from all the law students, and for those who are married, we would like for you to encourage your wives to participate. After all increased participation is conducive to increased efficiency.

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## RECENT SUPREME COURT DECISIONS

By GEORGE R. MANNING

**Cruel and Unusual Punishment — Chronic Alcoholic and Public Intoxication Law — In Powell v. Texas, 36 U. S. Law Week 4619 (18 Jun 68),** the Court upheld the right of the State of Texas to convict a chronic alcoholic for being drunk in a public place. The defendant was arrested in late December 1966 and charged with drunkenness, being found in a state of intoxication in a public place, in violation of Article 477 of the Texas Penal Code, which provides: "Whoever shall get drunk or be found in a state of intoxication in any public place, or at any private house except his own, shall be fined not exceeding \$100.00. Justice Marshall, writing for the majority, after discussing the trial court record (which included the testimony of a psychiatrist who testified on behalf of the defendant as to the defendant's chronic alcoholism, as well as the lack of information in the record concerning the defendant's drinking problem and concluded that "the escapable fact is that here is no agreement among members of the medical professional about what it means to say that alcoholism is a disease." 36 U.S. Law Week 4619, 4620. After acknowledging the fact that alcoholism is one

of our principal social and public health problems, the Court made these observations:

"However, facilities for the attempted treatment of indigent alcoholics are woefully lacking throughout the country. It would be tragic to return large numbers of helpless, sometimes dangerous and frequently unsanitary inebriates to the streets of our cities without even the opportunity to sober up adequately which a brief jail term provides . . . Yet the medical profession cannot and does not tell us with any assurance that, even if the building, equipment and trained personnel were made available, it could provide anything more than slightly higher class jails for our indigent habitual inebriates.

Thus to do otherwise than affirm might subject indigent alcoholics to the risk that they may be locked up for an indefinite period of time under the same conditions as before, with no more hope than before of receiving effective treatment and no prospect of periodic 'freedom.'" 36 U. S. Law Week 4619, 4622-23.

The majority opinion then considered the legal contentions of the appellant. Appellant's primary contention was that a conviction on these facts would

violate the Cruel and unusual Punishment Clause of the Eighth Amendment as it was applied in **Robinson v. California** 370 U.S. 660. In that case the Court overturned the appellant argued that the Robinson rationale be applied to this case. In the answer to that contention, the Court stated:

"On its face the present case does not fall within that holding, since appellant was convicted, not for being a chronic alcoholic, but for being in public while drunk on a particular occasion. The State of Texas thus has not sought to punish a mere status as California did in **Robinson** . . . Rather, it has imposed upon appellant a criminal sanction for public behavior which may create substantial health and safety hazards, both for appellant and for members of the general public . . ." 36 U.S. Law Week 4619, 4623.

**Standing to Object to Search and Seizure.** A union official has standing to object to the introduction at a state trial of union records seized in his presence from a union office he shared with other union officials. So says the Supreme Court in **Mancusi v. DeForte**, 36 U. S. Law Week 4682 (17 Jun 68.) In 1959, Frank De Forte, a Vice President of Teamsters Union

Local 266, was indicted in Nassau County, New York, on charges of conspiracy, coercion, and extortion. Prior to the return of the indictment, the District Attorney's Office issued a subpoena duces tecum to Local 266 calling upon it to produce certain documents. The union, having been served the subpoena at its offices, refused to comply. The state officials who had served the subpoena thereupon conducted a search without a warrant of an office shared by DeForte and other union officials and seized union records. The search and seizure took place despite the protests of De Forte, who was present at the time. Over his objection, the seized material was introduced at De Forte's trial, and he was convicted. Having unsuccessfully argued in the New York courts on direct appeal that the evidence was constitutionally inadmissible in state proceedings under the rule of **Mapp v. Ohio**, 367 U. S. 643, because it was the product of a warrantless search, DeForte subsequently brought a federal habeas corpus proceeding urging the same contention. The U. S. District Court for the Western District of New York denied the writ, but the Second Circuit Court of Appeals reversed and directed that the writ issue. The Supreme Court affirmed the decision.

The sole issues decided by

(To be continued)

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