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## *Alumni Support . . .*

Most of us here at the Law School probably experience a neutral reaction when the Law School Alumni Association is mentioned. We have some vague notion that we will become alumni ourselves, but there is an initial tendency to equate all alumni associations with the undergraduate variety, replete with football games, homecoming and the like.

It is true that Law Day is a homecoming of a sort, but this is only one of the more visible of alumni activities. Other activities are far more important in terms of impact. The Alumni Association at the Law School is uniquely a professional body. Graduates have a tremendous interest in the quality of the legal education offered by the Law School: methods of instruction, available courses and admissions are of continuing concern. Individual alumni also provide services to the Law School. An example of this is the series of seminars on practice in various cities offered by alumni who work there and are members of the area placement committees.

The other important source of alumni support is of course financial. This occurs primarily from two sources, the Association, and, more significantly, the Law School Foundation. The importance of this type of support cannot be overemphasized. It permits the Law School to maintain its high standards by providing a more attractive picture for prospective faculty in terms of salaries and research grants, as well as by assistance to the library, student publications and other activities, such as symposia. In short, it permits us to exceed that margin which separates a good law school from a great law school.

Obviously there is some self-interest involved. All of us will be judged, initially at least, by the reputation the Law School enjoys at any given moment. It is not enough to say 'It used to be good,' even if one attended it at such a time. Continuing excellence, which is another way of saying constant improvement, is the only sure guarantee.

But more than this, there should be, and is to a large extent, a real desire on the part of the alumni that the Law School turn its students into the best prepared lawyers, the most competent members of the bar—be it in Virginia or elsewhere. In short, that reality should reflect aspirations is the premise and the goal of alumni activities.

W.P.B.

## *Law Student Division . . .*

Some years ago the American Bar Association (ABA) extended membership privileges to all law students at ABA approved law schools through the formation of a Law Student Division. The Division was intended to be a representative voice of law students throughout the nation, on a range of matters never precisely defined. In reality, the Division has had only mixed success in this regard, although it is represented in the ABA House of Delegates by a Division delegate. Yet in more recent years, the Division has been looked to with greater frequency by the ABA as a source of opinion on matters of concern to law students and practicing attorneys as well.

Most students here have little or no familiarity with the Division, primarily because the Law School has no active student bar association, the focal point for the Division at most law schools. Numerous advantages, however, accrue to students joining the Division on an individual basis. Most significantly, students may participate in ABA meetings and institutes, and belong to ABA "sections," which specialize in specific areas of the law. Division members receive various publications, including the *Student Lawyer Journal* and the *American Bar News*, and are eligible for low-cost life and health insurance. In addition, members automatically become ABA members following graduation and admission to the bar.

Various organizations in the Law School should note that aside from its services to individuals, the Division conducts a matching fund program to help finance qualifying law school service projects. In the past the Division has aided numerous law schools and organizations elsewhere in establishing legal assistance and clinical law programs, as well as a variety of other student-oriented endeavors.

It is unrealistic to believe that students now joining the ABA-LSD can exert sustained and significant influence over ABA affairs or policy. Nor is this a future likelihood. We do feel, however, that the tangible individual benefits mentioned here, and the opportunities for involvement in ABA activities, together make Division membership worthwhile. Students at the Law School are eligible to join the Division by payment of the $3 annual membership fee. Applications for membership are now available in Mural Hall.

## Ripley's — Believe It or Not!

In Charlottesville, Virginia, the Laura Vue Intramural football team has suffered a humiliating defeat at the hands of the Law Weakly Intramural football team for **TWELVE CONSECUTIVE YEARS!**

In 1961, however, Laura Vue did at least score a touchdown — the Law Weakly team, thinking the first half was over, left the playing field, and **FOUR DOWNS LATER** Laura Vue **SCORED A TOUCHDOWN!**

LAURA VUE

A.E. Dick Howard, although employed as a law Professor at U. Va. Law School, has been seen BRIEFLY by his students only THREE TIMES!

It is reported, however that Mr. Howard is alive and well in Richmond, Va.!

AUGHH!

For TWELVE CONSECUTIVE YEARS Lucy has offered to hold the football so Charlie Brown could kick it! For TWELVE CONSECUTIVE YEARS Charlie Brown has agreed to kick the ball, and for TWELVE CONSECUTIVE YEARS Lucy has jerked the ball away at the last second!

Jim Wrenn

# Letters To The Editor

## BLACK STUDENTS RESPOND

Dear Editor:

Your editorial of October 9, 1970 which addressed itself to the resolution endorsing the hiring of Black professors is an inaccurate, retrogressive, uninformed, ill-reasoned voicing of liberal ideology actually undergirded by prejudiced attitudes. It is an insult to every competent Black lawyer, to every Black alumnus of The Virginia Law School, and to those Black law students presently enrolled here. Its harm lies in its actual phrasings, in its unsound and racist basis and in its stereotyped implications. So imbued is the article with insidious implications of Black inferiority, and false assumptions of "conscientious progressivism" here at The Virginia Law School that it is impossible to respond to all of it. However, as Black law students we feel compelled to answer some of the statements now.

The LAW WEEKLY falsely accuses those who promulgated the resolution of apparently overlooking or intentionally ignoring the efforts of the faculty in regard to hiring Black professors. With a little research prior to editorializing, the editors would have found that we merely were using the "proper channels" for expressing our concern to the faculty. The Law Council is the elected, representative body of the law students—thus, should endorse and convey to the faculty issues which concern the law students. We commend the Law Council and the faculty committee for taking a positive step forward by endorsing and accepting the resolution. We are appalled that the LAW WEEKLY, after recognizing the need for Black law professors, erroneously suggested that there are no Black lawyers qualified to teach at Virginia.

It has never been suggested, by the resolution or by those who promulgated it, that skin color should be the only criterion for appointment to the faculty. We insist that it not be used as the sole bar to appointment. For over a year, the Black law students, to no avail, have inquired persistently as to what constitutes the criteria for acceptance to the law faculty. In view of the heterogeneous nature of the law faculty, with its wide range of educational, professional and experiential competence, it is difficult to discern the criteria used to appoint faculty members.

If the search is sincerely for a competent Black person who can unquestionably "confront the rigors of law faculty status", then it will be successful, despite the keen competition from "nearly every law school of consequence". However, if the criterion is that of whiteness, then the search hopefully will remain futile.

Not only does the editorial imply that a competent Black professor cannot be found if the school uses whatever amorphous criteria it presently uses for appointing faculty members, but it also assumes that a double standard, if used, necessarily suggests inferiority. The establishment of a dual standard does not *a priori* reflect use of less stringent criteria, but it does recognize that the basis of determing each man's worth must relate to his experiences, and the means employed must be an accurate device for measuring his potential.

Particularly maligning is the editorial's statement that it is one thing to accommodate inferior black students, but quite another to appoint incompetent Black professors. Such a sweeping stereotype unjustly labels every Black student who has ever attended this law school, and frankly smacks of ingrained racism. It can accurately be recorded that in many instances no lower standard has been used to admit some Black students than has been used to admit some white students. It is sad and upsetting that people are still judged merely on the basis of their color, and not on their individual merits or proven worth as equal humans of comparable intelligence. All students who attend this school take basically the same courses and are subject to the same tests. Let the individual's work and character, not his racial status, speak for *him*.

Finally, we find incomprehensible the editorial's prediction of the awesome task of ousting an incompetent Black professor; ". . . woe be the law school that appoints a Black professor with inferior intellectual or professional equipment, and finds itself faced, short years later, with the mission of ousting that professor from the faculty." We find it hard to visualize the law school having difficulties ousting truly incompetent Black professors, since traditionally Blacks have been the last to be hired and the first to be fired.

The editorial wrongly states our position. It concludes that the "root" of our concern is the lack of Black professors in the current faculty. Our concern is that the absence of Black professors on the staff reflects unjust discrimination and antiquated prejudiced attitudes. The mere fact that such an article appeared on the editorial page indicates that potential leaders here in the law school still retain stereotyped beliefs which foster and perpetuate circumstances of inequality and racial strife.

What was the purpose of the editorial? Does it speak *to* or *for* the faculty? It impedes progress in that it attempts to defend faculty non-productive good intentions, while counseling patience for students who seek action. Contrary to its contention that, "the issue at moment in our law school is not one of attitude . . .", the issue is precisely one of attitude. At Virginia, we need a change of heart, a firmer and less rhetorical commitment to equal opportunities which will be reflected by the hiring of Black law professors here in the halls where justice is taught.

The Black Law Students at U.Va.

## *DICTA . . .*

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*(Continued from Page 1)*

innumerable problems of financial, mechanical, and personnel adjustment — even to the extent of closing their businesses. Naturally, they practically always feel at first that the legislation is unnecessary, discriminatory and serves no real purpose.

From these diametrically opposed positions stem a number of arguments, both pro and con. Further, the affected parties attempt to engage in delaying tactics, while the proponents will call for even more haste. The chief patron of a bill of this type is immediately caught in a giant vise of rhetoric—some fact and some fiction, mostly opinion. The legislative process is fortunately so constructed that all of this can be sorted out, generally through public hearings and legislative committee study. Bills can then be amended to achieve the necessary ecological result and still provide for an orderly consideration of the opponents' point of view.

The new statutes required to preserve our balances are just that—totally new statutes in every way. In many instances, in order to gain the ends required, a complete turnaround of standard practices by citizens, corporations, and local governments is required. This is not easily accomplished, but it must be accomplished. It is, indeed, a difficult problem that faces the legislator.

Perhaps it would be germane at this point to cite a few general examples. Many of the things now determined to be of extreme danger to our environment have, in the past, greatly benefited mankind—certainly not only economically but in the standards of quality agricultural production, of health in the use of certain sprays where diseases were spread by insects, and in general, in providing the high standard of living which the American citizen is accustomed to enjoying.

A hypothetical but, too often a very real problem, which is hard to overcome is the small manufacturing plant located on a mountain stream or a river which is polluting this particular stream and the rivers into which it flows. The manufacturing plant is small; it has been in business for many years, and the community has grown around this one plant. The plant presently is competing with the large conglomerates. It is not economically feasible for this particular plant to mend its ways overnight, although an order has come from the appropriate agency saying it must do so. The alternative is that the plant will have to close if it cannot be sold to a conglomerate. If the plant closes, the dependent community becomes a depressed area, with even more problems; families are dislocated, the tax base shrinks, and havoc is created.

The question arises—should a loophole be built into a bill for such an emergency? The answer is, probably not, as loopholes are frequently exploited rather than used as a last ditch measure, as originally intended, and the damage done to environment often has irreversible effects.

In recent months a great deal of attention has been given to the dumping of mercury in the waters of our country, creating a multitude of problems, the most important of which is the contamination of fish which are caught either by commercial fishermen or sportsmen. This practice is so dangerous that regardless of who is affected and what the economic consequences may be, it must be brought to an immediate halt. Therefore, legislation affecting this and other water pollution must be all-encompassing and stringent to the point where under the law there can be no possible escape. In addition, areas of permanent damage to the environment can in no way be tolerated. The bills should have been introduced and passed yesterday, not today.

I cite these examples to point out the difficulties one faces in trying to prepare fair but just statutes. There are, of course, many types of pollution and I might put in a bit of a history of House Bill 188, referred to at the beginning of this article, on which Delegate Thomas W. Moss Jr., joined me as a patron. House Bill 188 as it was originally conceived was a very short bill prohibiting the distribution, importation, sale, or use of certain chemical compounds, such as DDT; to provide a penalty for violations and exemption for certain persons for a certain period of time. What this bill did in effect was effectively ban all of the hard or residual chemicals from any type of use in Virginia. The patrons of the bill recognized that while such a piece of legislation would be highly desirable, it would not be possible to implement such stringent legislation with absolutely no recourse. It was deemed best to introduce the bill as it was originally drawn in order to provoke discussion not only among the legislators but within the various industries of agriculture, chemical users in general and others who would be affected.

A public hearing was then conducted at which testimony was presented on behalf of the bill in its original form by various ecologists, government scientists and others. Testimony was also heard against the bill from a broad spectrum of users of these chemicals, such as the forestry people, fruit growers, the termite people, and others. It became clear that the impact of House Bill 188 in its original form would create confusion and be economically damaging if it became law within ninety days of its passage. Therefore, the bill was placed in a subcommittee which worked with all of these people, plus the Department of Agriculture and Commerce, to achieve the necessary end by stages. From these many conferences and additional hearings came a committee amendment in the nature of a substitute for House Bill 188, with Delegate Moss and myself as patrons. This bill was heard in its substitute form again in the House Committee, with opposition, and was reported out of the committee in the House and passed unanimously on the House floor. The bill then, as in normal procedure, went to the Senate committee, where once again it received opposition. It was then reported from the Senate committee and passed by the Senate, subsequently signed by the Governor and became law.

In the interests of brevity, I will not go into what actually is contained in this piece of legislation, but will only say that it was not all that was desired, nor was it all that was needed; however, a great deal of what was desired was accomplished and it was a great step forward from any other pesticide law we had had in Virginia in the past. It will undoubtedly become necessary to amend this law again. Hopefully, it will be strengthened, but it will have to be changed to deal with the new and ever recurring problems relative to chemical pollution in the Commonwealth of Virginia.

It is interesting to note that at the very time this bill was being argued in the General Assembly, the crab population in

*(Please see Page 4, Col 5)*