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Dicta Editorial Board

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REPORT ON MID-YEAR MEETING OF AMERICAN BAR ASSOCIATION— ATLANTA, MARCH, 1954

Lloyd Wright of Los Angeles, former president of the Los Angeles Bar Association and of the State Bar of California, was nominated to be the next president of the American Bar Association in the caucus of state delegates. John D. Randall of Cedar Rapids, Ia., a member of the House since 1948 and now chairman of the Rules and Calendar Committee, was nominated to be chairman of the House of Delegates for a two-year term. Joseph D. Stecher, of Toledo, O., was renominated for a tenth term as ABA secretary, and Harold H. Bredell of Indianapolis was renominated for a sixth term as treasurer of the Association.

Four nominees were chosen for seats on the Board of Governors: Elwood H. Hettrick, of Boston, dean of the Boston University law school, to represent the first circuit; Osmer C. Fitts, Brattleboro, Vt., former president of the Vermont State Bar Association, second circuit; Blakey Helm, Louisville, Ky., long-active member of ABA and currently of the Municipal Law Section council, sixth circuit; Thomas M. Burgess, Colorado Springs, Colo., former president of the Colorado State Bar Association, tenth circuit.

Elections to fill all of the posts will occur at the Annual Meeting in Chicago August 16-20, and the terms of those elected will begin at that time. Nomination is tantamount to election in the A. B. A.

If elected, Thomas M. Burgess will be the second Colorado lawyer in the history of the American Bar Association to serve on its Board of Governors. The only other Colorado attorney to so serve was G. Dexter Blount. Although Mr. Burgess has faithfully and effectively represented the Colorado Bar Association in the House of Delegates of the American Bar Association for many years, his nomination to the Board of Governors was unexpected. Mr. Burgess will now represent all of the states comprising the Tenth Judicial District.

One of the decisions of the Board of Governors in its sessions Mar. 5 and 6 was to accept the invitation of Dallas, Tex., to be host to the Annual Meeting of ABA in 1956. The Board also elected to hold the 1955 Mid-year Meeting of the House of Delegates in Chicago. Other Board actions included:

Approved a proposal to expand the mailing list of the *Coordinator* to include all members of ABA committees and section councils.

Received a report on the Bar Center campaign including these statistics: Total contributions, \$1,230,000

or 82% of the goal; total number of contributions 12,475, of which 20% came from non-members of ABA.

Made further plans for the 1954 Annual Meeting in Chicago upon receiving word from President Jameson that both Vice-President Nixon and Chief Justice Earl Warren had accepted invitations to appear on the program. Chief Justice Warren will address the Bar Center dedication ceremony, and the Vice-President will speak at the annual banquet.

Formally requested the American Bar Foundation to undertake, as a major research project, a review of the canons of professional and judicial ethics with a view to their applicability to present day conditions.

Authorized the Public Relations committee to study the advisability of one or more films to portray the activities of the American Bar Association, and the American Law Student Association.

Timely issues and newsworthy personalities combined to produce a steady flow of news about the Atlanta meeting events in the nation's press and on the airwaves. One of the widely-publicized events was the "debate" on Canon 35 prohibiting the photographing, broadcasting or televising of courtroom proceedings. Speakers on that subject, before a meeting of the American Judicature Society, were Superior Court Judge Philbrick McCoy of Los Angeles and Editor N. R. Howard of the Cleveland News.

Judge McCoy emphasized that the judges of the nation—as well as some sections of the press—recognized the need for some means to preserve courtroom decorum following the Hauptmann trial, and that Canon 35 (adopted in 1935) was the result. He declared: "If we are to retain the confidence of the public in our courts those of us who have the direct responsibility for maintaining proper dignity and decorum in the courtroom must accept the strong guidance of this canon."

Editor Howard referred to Canon 35 as "dogmatic," as not sufficiently explicit as to where photographs may not be taken, and as failing to cover other possible infractions of courtroom dignity. He said that in Ohio, where the state Supreme Court just recently adopted the canon, "I am sure I could manage a survey of interpretive enforcement of the canon as wide as the Atlantic ocean and depending on each judge's notion as to how much territory the canon is presumed to cover."

The McCoy-Howard discussion, plus the authorization of a review of the canons as a research project of the Research and Library Committee of the Bar Foundation, heightened prospects that a thorough study of Canon 35 will be made in the light of new developments in the field of public communications. Neither of the speakers at the Atlanta discussion held that the problem could not be solved to the satisfaction both of the judiciary and the press.

Other program events eliciting widespread press attention were the addresses of Ambassador Henry Cabot Lodge, Jr., on the role of the United Nations, and of Senator John W. Bricker, vowing to continue the fight in Congress for adoption of treaty amendment bearing his name.

An unusual feature of the meeting of the National Conference of Bar Presidents was the presentation of a sample television show by a panel of three Atlanta lawyers. The show was "The Law Says," presented weekly under the sponsorship of the Atlanta Bar Association and the Lawyers' Club of Atlanta. The show has the highest listener rating of any locally-produced TV show in Atlanta.

Interest in this presentation was heightened by the fact that many state and local bar associations are presently sponsoring, or planning to sponsor, TV shows aimed at informing laymen of laws and the services lawyers perform. In the case of the Atlanta show, the fact that questions were invited from the listener audience resulted in several bar presidents inquiring whether that practice violated Canon 27 of the Canons of Professional Ethics. Indications were that an official interpretation would be sought from the Committee on Professional Ethics and Grievances.

HOUSE OF DELEGATES ACTION ON MAJOR ISSUES

Following is a brief and unofficial topic summary of action by the American Bar Association House of Delegates at its mid-year meeting in Atlanta. It does *not* purport to embrace *all* matters that came before the House.

Specialization, and Specialized Legal Education

The House took a significant first step toward establishing a system of controls over the standards of education and experience which should be required for specialists in various fields of the law. The House adopted a resolution of the Board of Governors approving such a program "in principle" and delegating to the Board of Governors, subject to final approval of the House of Delegates, the "implementation, organization and financing of such a plan." The Board's resolution was based upon a detailed report and recommendations drawn up by the special committee, headed by Charles W. Joiner of the University of Michigan law school, which was commissioned to consider the subject.

Judicial and Congressional Salaries

The House endorsed the recent recommendation of a special Presidential commission that salaries of U. S. district judges and members of Congress be raised from \$15,000 a year to \$27,500. Comparable increases would be provided for circuit and supreme court judges. Bernard G. Segal of Philadelphia, chairman of the Presidential commission, told the House that A.B.A. leadership in the campaign for adequate compensation for judges and legislators was the "greatest service to good government and a strong

judiciary" since the Association's fight against the court-packing plan in 1937. Congress is expected to act on the salary proposals in early April.

Constitutional Amendments

No further action with reference to the Bricker amendment respecting the treaty-making power was taken by the House. Neither the interested sections nor committees of the Association, in their reports to the House, proposed any additional policy pronouncement on that issue. However, the Standing Committee on Jurisprudence and Law Reform urged House approval of another Constitutional amendment proposal, Senate Joint Resolution No. 3, aimed at prohibiting Presidential seizure of private property as in the case of the steel industry. The House voted to postpone action on the recommendation until the Annual Meeting of the House in Chicago in August. At the suggestion of the same committee the House voted to disapprove two other bills pending in Congress: (HR 344) to authorize temporary appointments of U. S. circuit judges to the Supreme Court where necessary to provide a quorum, and (HR 642) to require a Supreme Court majority of not less than five in any case in which the Supreme Court has original jurisdiction.

Criminal Law

After brisk debate, the House endorsed the so-called "immunity bill" in Congress (HR 6899) under which witnesses before Congressional committees (as well as before federal courts and grand juries) could be compelled to testify under grants of immunity assented to by the Attorney General notwithstanding their plea of possible self-incrimination under the Fifth Amendment. This bill was favored by the Section of Criminal Law, and also by the Special Committee on Communist Tactics, Strategy and Objectives.

However, the House declined to approve a "wire tap" bill (HR 477) under which the FBI and certain federal security agencies could intercept communications in the interest of national security and defense. The bill was re-referred to the Section for further study.

Social Security

The controversial issue of including lawyers and other self-employed persons within the framework of the federal social security system again came before the House, in the form of a report by Chairman Allen L. Oliver, Cape Girardeau, Mo., of the Unemployment and Social Security Committee. Mr. Oliver told of the preliminary results of a survey currently being conducted among all state bar associations, and approximately 100 selected large and small local bar associations, to ascertain "grass roots" sentiment on both compulsory and voluntary plans of lawyer-inclusion. Total returns to date showed: Compulsory plan, five in favor and eight opposed; voluntary plan, ten in favor and eight opposed; not yet

ready to report, 18. On the basis of these still incomplete returns Chairman Oliver expressed the opinion that rank and file sentiment for inclusion "was not as great as had been claimed," and while his committee submitted no recommendation to the House he said its members continued to be unanimously opposed to such inclusion. He estimated that social security tax contributions from lawyers would amount to \$24,300,000 a year and referred to benefits which most lawyers might expect as "illusory."

Public Relations

Three recommendations of the Public Relations Committee were approved: (1) authorizing the committee to cooperate with private producers of commercially sponsored television shows dramatizing the law and the courts; (2) authorizing the committee to act promptly, in the name of the American Bar Association, to correct or otherwise counteract erroneous or misleading statements about the Association or the legal profession in any of the media of public information; and (3) approving the creation of an advisory council consisting of professional public relations consultants of state and local bar associations to aid in integrating the public relations activities of the organized bar. A proposal that the committee prepare and distribute to all lawyers in the nation a pamphlet emphasizing the individual responsibility of attorneys to help strengthen the public relations of the profession, and to participate in the activities of the organized bar, was referred to the Administration and Budget committees of the Board of Governors for further study.

Membership Campaign

The accelerated campaign for membership in the A.B.A. was described by Chairman Archie M. Mull, Sacramento, Calif., of the Membership Committee and Chairman C. Baxter Jones, Jr., Atlanta, of the Junior Bar Conference. Mull said the ultimate goal is to double the present membership of approximately 51,000. The House voted to cooperate in the Junior Bar Conference's "Membership Month" campaign during March by pledging each House member to furnish the names of ten non-member lawyers whom they would be willing to sponsor for A.B.A. membership.

Individual Rights

The House was informed by the Special Committee on Individual Rights as Affected by National Security that it wished more time to compile its report on a study of Congressional hearing procedures. Its first report is scheduled to be presented to the House at the Annual Meeting in August. The Committee has completed its staff and the House was informed by Chairman Whitney North Seymour, of New York, that the Committee proposes to work closely with Congressional leaders of both parties. The study is being financed by a \$50,000 grant from the Fund for the Republic.

Hawaii Statehood

Some of the sharpest debate of the two-day House sessions developed over a proposal by Delegate J. Garner Anthony, of Honolulu, to endorse the Hawaii statehood bill pending in Congress. An amendment to include statehood for Alaska in the endorsement was defeated by a voice vote of the House. The House also voted down, 60 to 50, a move to defer action on either statehood bill until the Annual Meeting with public hearings to be held in the interim. The Hawaii statehood bill was endorsed.

Taxation

A long series of proposed amendments of the Internal Revenue Act (covering 48 pages in the printed House calendar) were recommended by the Section of Taxation, and adopted in their entirety by the House. The recommended changes in the act relate, among other things, to filing dates, penalties, marital deduction provisions of estate tax laws, exemption of inherited property from the gift tax where the decedent, or the individual, renounces the interest, the taxation of income of estates and trusts, and the like. The recommendations go to the House Ways and Means Committee, now engaged in an extensive rewriting of the Internal Revenue Act.

Mineral Law

The Section on Mineral Law submitted to the House a far-reaching proposal for a thorough re-examination of the federal government's land ownership policy. It urged that Congress make a thorough study to determine how much of the more than 409 million acres of land now owned by the federal government could be returned to private ownership for development for oil, timber or farming purposes. The Board of Governors took the position, and so advised the House, that it considered this proposal to be outside the scope of the objectives and purposes of the A.B.A. House Chairman David F. Maxwell so ruled when a point of order was raised and his ruling was sustained by the House.

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