

Washington Law Review

Volume 27
Number 4 *Annual Meeting of the Washington
State Bar Association*

11-1-1952

Resolutions Adopted at Annual Meeting

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Recommended Citation

anon, *State Bar Journal*, *Resolutions Adopted at Annual Meeting*, 27 Wash. L. Rev. & St. B.J. 274 (1952).
Available at: <https://digitalcommons.law.uw.edu/wlr/vol27/iss4/8>

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I have found and I think that most of you will agree that the best plan is to prepare an outline with six or seven topics on the back of an envelope and then coordinate your exhibits to that outline. Nothing is more exasperating than to be just going like mad and then think of an exhibit and can't find it. Then you are all around the place looking for it, whereas if you get your exhibits in order and coordinate them with your outline, you can just pick them up one at a time, and you have no trouble looking for them and you don't get that tremendous silence that is so annoying to you and to the jury. Although I assume some lawyers won't agree, I do believe the old fashioned senatorial harangue that used to be so prevalent in the turn of the century has gone with the high buttoned shoes. The American jury is a pretty hard group to fool, and I think that you'll do best if you marshal your facts and present a clear and convincing argument to them in your natural voice. I don't mean that you shouldn't raise your voice or use some grimaces or some emotion, but you don't have to be running for the Senate at the same time.

It's also, as you know, bad practice to talk down to the jury. You have to get right in there as one of them. One of the great negligence lawyers in New York had a case before me, and he certainly told the jury. He said, "You know, the reason I like to sum up with an American jury is that I get the feeling that I'm sitting down in their house. I'm sitting down and explaining to them how I understand the facts. I like to be one of you," and he's almost sitting in the chair with them, and he does a good job.

Now, I suppose the last thing that I should talk about is what to do while waiting for a verdict. I think that's a medical problem—and I have no solutions.

RESOLUTIONS ADOPTED AT ANNUAL MEETING

(Note: Texts of resolutions adopted are set forth herein, in the order of adoption. Space did not permit publication of the discussions relating to the resolutions, which, where of particular interest, are summarized in notes following the texts.)

RESOLUTION NO. 1

Be it resolved that this Association is of the opinion that the legislature should direct the revisor to restore the text to the Revised Code

of Washington the language contained in the laws as passed by the legislature.

Be it further resolved that even assuming the doubtful premise that the legislature might in one act adopt all of the laws of the state in a single bill, that the Washington State Bar Association is violently opposed to any attempt to adopt a code which shall have the force of basic law or anything more than prima facie evidence of what the law is until the code shall contain only the text of the laws as passed by the legislature.

[Note: The foregoing resolution was proposed by Harry Ellsworth Foster of Olympia, Chairman of the Advisory Committee on the Code. In view of the strong feeling of the Bar against changes in official texts, as evidenced by the foregoing resolution, the Editor, who has elsewhere taken some minor liberties with the official transcript in the hope of promoting clarity, felt that any tampering with the above text, which has been reprinted in the State Bar News, would be singularly inappropriate. However, it is respectfully submitted that the insertion of the word "to" between "restore" and "the," and the substitution of "of the Revised Code" for "to the Revised Code" in the first clause thereof, would be a justifiable "revision."]

RESOLUTION No. 2

Resolved that the Washington State Bar Association in convention assembled does hereby reaffirm its faith in the United States Constitution and the rights, privileges and immunities granted in the form of government secured by that instrument; and

Be it further resolved that this Association does hereby condemn government by treaties with foreign nations to the extent that they conflict with the provisions of the Constitution of the United States as the greatest threats to the independence of the United States; and

Be it further resolved that this Association approves in principle and so recommends to the Congress, the adoption of an appropriate amendment to the United States Constitution which would prohibit treaties with foreign nations from conflicting with the provisions thereof; and

Be it further resolved that such amendment should provide that treaties with foreign nations shall not become the internal law of the land until and unless they are implemented by appropriate legislation, and that no such legislation shall be valid if it is contrary to or in excess of the powers delegated to the Congress by the Constitution; and

Be it further resolved that a copy of this resolution be forwarded to every member of the Congress, to the American Bar Association and to the various state bar associations.

[Note: The foregoing resolution was proposed by F. A. Kern of Ellensburg, Chairman of the Resolutions Committee, who indicated that the committee had voted four to one for the resolution, Joseph E. Hall of Vancouver, John T. Rastus of Colville, L. L. Thompson of Tacoma, and F. A. Kern voting in favor thereof, and Charles Horowitz of Seattle dissenting from the latter portion of the resolution. The resolution was passed after spirited debate, and after a move to hold a plebiscite of all members of the State Bar Association upon the proposed constitutional amendment, was defeated. The plebiscite had been recommended by a majority of the Committee on Constitutional Aspects of International Treaties. Proponents of the above resolution, led by Frank E. Holman of Seattle, argued that, in the words of Mr. Holman, "it merely puts this bar association on record as being in favor of the Constitution of the United States." An amendment to the Constitution was necessary, Mr. Holman said, to prevent legislation, through treaties, upon internal affairs of the nation, and to prevent the overriding of laws of the states by laws made through treaties. Tracy Griffin of Seattle also spoke in support of the resolution.

Opponents of the resolution, whose spokesmen included Marvin Mohl, Herbert S. Little and Stephen J. Chadwick of Seattle, and Benjamin H. Kizer of Spokane, contended that: (1) the Bar had not had sufficient time to consider the measure, and a plebiscite should be held both to give them time to acquaint themselves with the issues and to determine the will of all the members of the State Bar Association; (2) an amendment to the Constitution such as that recommended in the resolution would seriously handicap the federal government in making treaties, since it would add to the present requirement that treaties be ratified by two-thirds of the Senate a requirement, in effect, that they also be approved by the House of Representatives. Mr. Mohl contended that such an amendment would return the nation to the deficiencies in treaty-making power which existed under the Articles of Confederation and necessitated the Constitutional Convention. He argued that the amendment, by crippling the treaty power of the federal government, might tend to force the president, in the field of international relations, to use his war powers, which were less subject to democratic restraints.]

RESOLUTION No. 3

Resolved that judicial salaries of the Supreme Court and the Superior Courts in this state should be revised upward consistent with the program of the American Bar Association, to bring them in line with increased costs and judicial salaries paid in other comparable jurisdictions; and

Be it further resolved that a copy of this resolution be sent to the Governor and the members of the State Legislature elected on November 4, 1952.

RESOLUTION No. 4

Be it resolved that the Board of Governors appoint a committee of not less than six members of the bar to be selected on a state-wide basis, the duties and responsibilities of which committee and its individual members shall be to observe the conduct of members of the bar, to receive and investigate complaints, to gather facts surrounding the affiliations with the Communist Party or other subversive organizations of applicants for admission to the bar, and of members of the bar, and generally to be of assistance to the Board of Governors in the enforcement of the rules of the bar relating to membership in the Communist Party or other organizations having for their purpose the overthrow of the government of the United States by force and violence.

RESOLUTION No. 5

Whereas the Committee to Study Communist Tactics, Strategy and Objectives has recommended the adoption of a resolution that the Board of Governors appoint a committee of not less than six members of the bar to be selected on a state-wide basis, to be of assistance to the Board of Governors in the enforcement of the rules of the bar relating to membership in the Communist Party or other similar organizations; and

Whereas the Board of Governors has jurisdiction over matters relating to the internal discipline of the members of the Washington State Bar;

Be it resolved by the Washington State Bar Association that we express our deep appreciation of the work of this committee.

Be it further resolved that the resolution of this committee be

referred to the Board of Governors with the entire report of the committee to take such action as the Board of Governors may deem proper.

RESOLUTION No. 6

Be it resolved that the Washington State Bar Association expresses its deep appreciation to the entire membership of the Tacoma Bar Association, and particularly to all its officers, committees and the wives of its members for the wonderful hospitality and their untiring contribution to the outstanding success of this annual meeting.

[Note: Resolutions 3 to 6, both inclusive, above, were proposed by F. A. Kern, who indicated that they had been approved unanimously by the Resolutions Committee.]