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## Report on the Interstate Bar Council

Wyoming State Bar

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simplifies the conveyance of homesteads. It is now only necessary in an instrument affecting a homestead that it contain in the body of the instrument substantially the following: "hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of this State and shall be freely and voluntarily signed and acknowledged by the owner and the spouse of the owner."

The existing provisions of law requiring a notary to apprise the wife of her rights and the effects of signing and acknowledging the instrument is eliminated as in the provision for a release of homestead rights in the acknowledgment.

The bill was enacted by the legislature and appears as Chapter 72 of the 1949 Session Laws.

It remains for me to thank the members of my Committee who braved the storms of last January to appear in Cheyenne and assist with the preparation of bills for the legislative session of the State Bar, and for their able and effective presentation of the recommended bills at the meeting.

To the members of the Bar in the House of Representatives, and to Senator Green of the Senate, the Committee is very greatly indebted for their splendid cooperation in introducing and advocating these several measures. The Chairman is very much indebted to the Secretary of the State Bar for furnishing him a copy of the Minutes of the January 22nd meeting in which is contained a record of the measures submitted and considered at that time. As I glance over the Session Laws I find other acts than the ones noted above which have a familiar ring. It may be that some of these bills were considered at the January meeting. Dwight Wallace suggests that Chapter 10 of the 1949 Session Laws referring to the publication of decisions of the Supreme Court was approved by our committee. He thinks perhaps we handled the amending act with reference to qualifications of jurors and excusing them from jury duties. The same is true as to the uniform judgment act which was passed this year. He thinks we may have considered the statute in connection with libel actions, but that I question. He still urges that there ought to be a change of the fall terms of court in Lincoln and Sweetwater Counties which not only conflict with each other, but with the fall term of the Federal Court in Cheyenne.

I join him in the hope that the Supreme Court presently makes effective the work of the Committee revising our rules of civil procedure.

Respectfully submitted,

For the Committee

Erle H. Reid,

*Chairman.*

## REPORT ON THE INTERSTATE BAR COUNCIL

At the Legislative Session of the State Bar held in Cheyenne, January 21, 1949, I was delegated by the Board of Commissioners of the Bar to attend the organization meeting of the Interstate Bar Council of the eleven Western States to be held in San Francisco, California, on February 5, 1949. In accordance

with the directive, I attended the meeting at which the States of Washington, California, Utah, Oregon, Montana, and Wyoming were represented. Arizona, Nevada, Idaho, Colorado, and New Mexico were not represented.

On February 18, 1949, on return to my office, I reported to the President of the Wyoming Bar on the proceedings of the San Francisco meeting. He had already received a short report from Harry J. McClean, President of the California Bar and temporary chairman of the Council. These two reports were reproduced, forwarded to the Commissioners, and upon the affirmative vote of the Commissioners, the Wyoming Bar was directed to function in the Council temporarily through me as a representative until the September, 1949, meeting of the Bar.

Your President requested that a report be made directly to the Bar at this convention as a preliminary, as I understand it, to the Bar's taking positive action on the position of Wyoming with respect to becoming a member of the Council and executing the Articles of Association which have been prepared and which are in my hands at this time. So much by way of introduction.

In the initial stages of the San Francisco meeting, there was a general discussion of problems common to lawyers everywhere—they were those more or less perennial problems that so often dominate the meetings of our local Bars; interesting problems it is true, but ones that you need not go 1000 miles or more to talk about.

After an hour or so of this round table discussion, the chair called on delegates for their observations. Some of us were rather frank, and abrupt possibly, in expressing the opinion that unless the purposes of the Council were placed on a broader, more enduring foundation than the trend of discussion, we doubted that our Bars would find sufficient merit in the formation of the Council. Many of us registered displeasure at the fact that we had taken the time to travel so far through the kind of weather we had in February to discuss minimum bar fees, infringement upon our field by real estate brokers, and all those problems which are ever with us.

Immediately the whole philosophy of the meeting changed and we began to hear discussed a problem sufficiently broad in scope to interest all of us—probably the underlying reason for the calling of the meeting—a problem which, if accurately portrayed, should capture the interest and fighting spirit of every lawyer everywhere, to-wit: The preservation of representative constitutional government and free enterprise, and especially, in so far as we of the Bar are concerned, the preservation of the American court system. The whole trend of the discussion was to the effect that constitutional government and the American court system were definitely and positively on the way out and will, all too soon, be something of the past unless organized energetic action interrupts existing trends. Specific matters of concern were the multitude of bureaus, administrative agencies, various departments and boards in which Acts of Congress and Board and Administrative Agency Rules are interpreted and ruled upon with the force and effect of Law, all of this in lieu of the duly and constitutionally established courts system; socialistic trends as evidenced by such

proposals as socialized medicine and Federal aid to and control of education heaped upon an ever mounting pile of heretofore accumulated central government controls; and the infiltration into this country and into the government itself of confessed radicals and un-American organizations. The President of the California State Bar said, "The picture is dark. The present discernible trends are discouraging." He pointed out that the Attorney General of the United States had listed 39 national organizations dedicated to the purpose of overthrowing our system of government, and that the California committee on un-American Activities listed 142 such organizations in California. The President of the State Bar of Washington expressed the opinion that we are probably already too late to preserve the Court system and constitutional government as we have known it, but we are not too late to fight to preserve it. He expressed the definite opinion that the lawyers of America are the ones to carry that fight and that such organizations as the Council of the 11 Western States are necessary vehicles for the conduct of such a fight. He said that the Washington Bar was interested in the Council only if its purpose were of such a nature. All the attorneys representing the coastal states concurred in the opinions expressed by the Presidents of the California and Washington Bars.

Needless to say, I was shocked to hear men of such character, prominence, and knowledge express an opinion of conditions of such seriousness. Certainly it was not within my province to say lawyers of such standing were uniformly 100 per cent alarmists. Possibly we here in Wyoming are too far removed from centers of population to fully realize the import of developments in governmental trends. Frankly, I was and am frightened to hear responsible people talk of government in these United States in which our Constitution, our court system, our freedoms no longer exist. If that condition threatens, then I agree that even if the fight is a losing one, it is worth fighting and participation of this Bar with other State Bars in concentrated effort would not only be well worthwhile, but almost mandatory.

Since the meeting in San Francisco, I have made some attempt to ascertain the thinking of other people along this line. The President of the American Bar on several occasions has expressed equally grave alarm. Those of you who attended the Legislative session in Cheyenne in January will recall that he spoke with apprehension on the subject at that time and observed that he, himself, had for some time been a member of an organization controlled by Communists and was not even aware of it. Justice Douglas of the U. S. Supreme Court has recently said that we live in "a perilous hour." Justice Frankfurter said in a recent opinion in a labor case, "Without alertness there can be no enduring democracy." Senator O'Mahoney addressing the meeting of the Twentieth Anniversary of the Boston Law School last April said: "The threat to popular sovereignty is greater now than it was four score and six years ago, when Lincoln spoke." He said, "Local authority has been disappearing and central authority expanding . . ." He went on to observe, "Liberty is in greater danger than ever because a cult has developed that democracy has been outmoded, that the forces of nature, released by science, are beyond the grasp of the masses, and, therefore, that the people, instead of governing themselves,

must be governed—in other words, that they must be told what to do. *This is the conflict which every modern lawyer must clearly appraise if he desires to devote his talents to the preservation of what we call the American way of life.*” And so I could go on and on quoting from men who are well informed and who occupy positions of knowledge to the same effect. There appears to be substantial basis for the alarm sounded in the meeting in San Francisco. I shall not go on. The purpose of this report is not to build a case for the philosophy expounded at San Francisco but to report that meeting as accurately as my memory and notes permit.

At that meeting, a committee consisting of the Presidents of the California Bar, the Washington Bar, and the Oregon Bar was appointed to draft proposed Articles of Association for the Interstate Bar Council, which articles were to be submitted to the member Bars for discussion and action. The committee has performed its mission and I append a copy of its work here for your consideration. You will note that the purpose of the Council, as outlined in the Articles, is not limited to the main subject of this report, but that many matters affecting the welfare of the profession are included. You will further note, however, that the main purpose of the Council deals with constitutional government, its preservation and ways and means of conducting the fight for its retention as a part of our way of life.

Following the action by the State Bars of the eleven Western States, the Council will meet again this Fall in Salt Lake City, Utah, there to determine whether the Council will be formed or plans for its formation abandoned. As I understand it, your President wants an expression from the Wyoming Bar at this meeting as to its wishes with respect to becoming a signatory to this Council.

Alfred M. Pence.

## ARTICLES OF ASSOCIATION of INTERSTATE BAR COUNCIL

### PREAMBLE

In a changing world whose established order is dislocated by impact of global war and conflicting ideologies of government, with infiltration of such foreign ideologies in our own government, it is fitting and necessary for organized Bars of the western states to associate themselves together for the better discharge of public duty and for the better protection of the welfare of the legal profession.

### I. NAME

The name of the organization created by these Articles shall be “INTER-STATE BAR COUNCIL,” hereinafter referred to as “Council”.

### II. PURPOSES

The purposes of the Council shall be:

1. To explore areas of danger to the traditional form of representative