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Report of the President

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REPORT OF THE PRESIDENT

THOMAS O. MILLER

Members of the Wyoming State Bar, Honorable Judges, and Honored Guests:

It has been my honor and pleasure to have served as your president the last twelve months. Within that period I attended the A.B.A. annual meeting and the National Association of State Bar Presidents in Atlanta, Georgia. During the meetings in Atlanta it was my privilege to visit the federal penitentiary located there. It is truly a corrective institution—a place where those convicted of federal crimes are given the opportunity to go to school. In fact, those who are illiterate and are capable of learning are required to read and write. The warden of that institution has said that there is no greater thrill than to watch a man, who, before coming there, had never written a letter home to his family, or wife, or friends who do not know of his accomplishment. Most of them are eager to learn but have not had the opportunity to do so. The inmates can get almost as much schooling as they want in this institution. Art, science, horticulture, plumbing, brick laying, cabinet work, mattress making, electronics, and many other studies are offered. A large textile mill is operated, the products being used by the army, navy, post office and other governmental branches and institutions. With a little cooperation, men convicted and sentenced to federal institutions learn a trade which will give them, upon release, ability to earn a good living wage and make them self-sustaining.

We were told to speak to anyone to whom we wished to speak while there. Other than the cell blocks and the lookout posts on the corners of this large enclosure, one would hardly believe one was in a federal penitentiary. I saw no one with a striped suit and no one with a gun. Penal institutions can be operated to reform those who are necessarily sent there. The warden at Atlanta told us that he favored comparatively short sentences—that, if a man were sentenced for a long time, there was little incentive for him to try to educate himself in a trade because he felt he wouldn't be able to use it. Of course, he admitted that there were a few convicts who should never be released from prison.

Atlanta has one of the model traffic court systems—an attractive new building—three large court rooms, well equipped in every respect. The judges are well paid, outstanding jurists. They come into court with black robes and are dignified, courteous, and fair. Every person charged with a traffic regulation is asked if he wants an attorney, if he is not represented by counsel, and is given time to procure one if he so desires. An I.B.M. record system is used and all traffic charges against one are shown on a card, which is handed to the judge by the clerk. In this way an old offender is catalogued. Uniform traffic tickets are used requiring detailed

listing by the officer of everything necessary for him to know in respect to the traffic violation.

Many offenders are given the alternative of paying a fine or attending a school of instruction which is held one night a week with one of the judges and one or more volunteer lawyers present. The results of this fine traffic court system have paid big dividends in Atlanta. There is no such thing as "fixing tickets." Everyone appears on the day set or he is brought in by a court warrant.

The American Bar Association is to be congratulated on its uniform traffic court program. You should help in this important work whenever you can do so.

The A.B.A. sessions are well worth your attendance. Every section has an outstanding program. There are so many reports of committees, so many learned discussions and lectures, that one can not fail to learn in whatever field his special interest may center.

I had the pleasure of attending the annual meeting of the Colorado Bar and of the Utah State Bar. These were of great interest and value. The association with lawyers of these neighboring states has been one of the rewarding things for the last years work as president of the Wyoming State Bar. We appreciate the fact that the presidents of the Colorado and Utah Bars are honoring us by their presence here today.

Cheyenne, the capitol city of Wyoming, will soon be ringed with offensive missile sites where Atlas intercontinental ballistic missiles with atomic warheads will be ready to be fired at potential enemy targets in event the United States of America is attacked. Suppose Cheyenne is attacked and is struck by an H-bomb at a time when the legislature is in session and when all elective state officers are in the capitol building and all are killed. I know this is something almost unthinkable, but it is not impossible, nor is it outside the realm of possibility just because we do not want it to happen. All state officials and those legislators who are in the capitol building are dead, also all records therein are gone. We have had disasters in sections of the state, but we have never experienced anything like this.

So that our people can survive then we would have to do something quickly. There would be many legal problems to be solved in event of such a major war disaster situation. Perhaps these can be grouped into three broad categories:

1. Government: (Maintenance of law, order, health and safety.)
2. Destruction of records.
3. Emergency rules of law as legal first aid for the economy.

Government must be established and maintained before other problems can be solved. Martial law, it is generally agreed, will not work—after a

nuclear attack there will be a need for reassurance, leadership and direction for a stricken people.

For the long pull toward restoration the people will respond far more willingly to civil leaders than to army officers. Laws come from the workings of civil government, but the impulses that cause laws to be enacted come from the people. There is much evidence which shows that institutions which are familiar to the people are necessary and important in the recovery from a disaster. Martial law is not a familiar institution here. The interference with customary rights and legal processes which seem inherent in martial law could quickly become intolerable.

State government is important and is the source of most of the laws under which we live. Through the state and the local agencies which exist to carry out its policies (counties, towns, cities, authorities and other public corporations and districts), those laws are administered so that the public peace, health and safety can be secured. Every day we see police officers enforcing state laws. Every day we receive services such as water, sewerage, and electricity, that are furnished by agencies formed under the state. If our country is to survive as a nation, and if we are to survive as a state, war disasters will have to be handled on state and local levels.

The governor may have to use the national guard to preserve law and order in areas hardest hit. So we must be sure we have a governor or someone to act in his place. Local police, fire and other protective forces will have to be regrouped as fast as possible. Necessary services must be resumed. In short, civil government must be kept going, if possible, and if temporarily suspended, must be restored quickly.

State civilian government is so important that it should not be left to well meaning volunteers. While it might be possible to establish a de facto government, you, as lawyers, could be questioned. Therefore, there must be advance planning to assure the continuation of civil control which will help in preventing martial law, or in getting it withdrawn if it is ever imposed.

We know that the governor's office is the keystone of state government. The governor has power to fill other vacancies by appointment if no mode is provided by the constitution or law. (Art. 4, Sec. 7, Wyo. Const.) He fills judicial vacancies. Thus, by assuring that we always have a governor there will always be a manning of the executive and judicial branches of our state government, and the legislature may be convened.

The order of succession to the office of governor is as follows:

Secretary of State (Const., Art. 4, Sec. 6)

President of the senate elected at the beginning of the last regular session

Speaker of the house of representatives

State Auditor
State Treasurer
(18-110 W.C.S. 1945).

It is possible that in the event of wholesale destruction in an atomic attack, the governor and all those in the line of succession could be killed. We now have no laws setting out what should be done, nor any laws providing who will be governor in such an emergency. This necessary legislation should be drafted and passed as soon as possible.

Our constitution provides (Art. 3, Sec. 11) that a majority of each house shall constitute a quorum. Even the legislature could be ineffective in the event that a majority of the legislators were wiped out. Our method of replacing senators and representatives would undoubtedly prove ineffective and cumbersome. Much thought is being given to these problems by our leaders. However, we sometimes take altogether too much for granted. We are not now even partially prepared for a statewide disaster in which all of our state officers and a majority of our legislators would be eliminated.

To contemplate the results of an atomic and hydrogen bomb attack—which will no doubt be a sneak attack—is horrible. Nevertheless we had better concern ourselves with such a possibility and do what we may to offset its awful consequences. Russia is not building submarines, warships, intercontinental ballistic missiles and other destructive devices simply for protection to itself. Its rulers have never deviated from the goal of world domination. We are in no position to be complacent or to say it won't happen to us. Most of us knew nothing of Sputniks until after their launching. Let's not sell ourselves short.

Tomorrow representatives of the army will show us movies of the Nike missiles and give us some idea of those defensive weapons. I know that you are going to be interested in this film. We are fortunate to be privileged to see it.

We are fortunate in being able to meet in Jackson Lake Lodge on the edge of Jackson Lake and in view of the noble and impressive Grand Teton. The setting is one which we all may enjoy. Take advantage of the opportunity to ride around this scenic area. Boat rides are available on Jackson Lake. Float trips may be made down Snake River, nature walks, horse back riding, and many other worthwhile activities are available to you.

You have your programs setting out the events of today, tomorrow and Saturday forenoon. We will try to follow the program timing.

It has been a pleasure to serve you.