

Special Supreme Court Section: Pgs. 17-28

THE NATIONAL LAW JOURNAL

(NEW YORK)

©1980 The National Law Journal

VOL. 2 - NO. 23

PRICE: \$1.50

The Weekly Newspaper for the Profession

MONDAY, FEBRUARY 18, 1980

A

page
43

NEW
YORK



Georgia Judge Wants Evolution Revolution

HE CALLS IT the "big bang baboon barnyard beginning."

What Georgia Court of Appeals Chief Judge Braswell Dren Jr. is talking about is Darwin's theory of evolution, and he has been touring the lecture circuits to argue that "equal treatment" ought to be given in schools to the alternative theory.

The alternative is called "scientific creationism," which theorizes that human beings were abruptly and independently brought to life by a creator and that humans are genetically distinct from animals.

If that sounds a lot like the Biblical explanation, the judge doesn't think so. "Humanistic evolution is the American state religion," retorts the 54-year-old judge, who has been on the appeals panel for 15 years.

Teaching only evolution in schools is "monkey mythology, monopoly methodology and mysterious madness," he says.

"I say you don't have neutral teaching in the schools," he claims. "They're teaching the absence of a creator. Thus, they should also teach the existence of a creator."


He argues that the sole teaching of "the animal cracker theory" has led to "permissiveness, promiscuity, protection pills and prophylactic proliferation."

His argument and similar ones by other groups have taken root in legislatures of a dozen states, where bills are pending to require schools to provide "equal treatment" to alternative theories.

The San Diego Union

CALIFORNIA

SAN DIEGO, CALIFORNIA

 a Copsey Newspaper

SUNDAY MORNING, OCTOBER 14, 1979

GEORGIA BATTLE

Creationists Seek Say In Schools

By MICHAEL SCOTT BLAIR

Education Writer, The San Diego Union

MARIETTA, Ga. — In Bible Belt Georgia, the belief that man was created by God rather than descended from an ape is as accepted as the sunrise.

But a move, triggered by the San Diego-based Institute for Creation Research (ICR), to introduce in public schools the teaching of creation as a scientific theory is causing more uproar than almost any topic in Georgia's educational history.

The struggle has become so intense that Madalyn Murray O'Hair, who won almost single-handedly the nationwide fight against prayer in the schools and who heads the American Atheists Center, has opened a branch of her center in Atlanta to fight efforts to introduce creation teaching in the state's schools.

Creationists say they simply want, without any reference to religion, equal time in the public school sci-

ence classes for their theory that all current evidence on the origins of life used to demonstrate evolution can be used just as scientifically to demonstrate creation.

But evolutionists are convinced that something more sinister is happening. They believe that spurious scientific arguments are being used by creationists to reintroduce religion into the schools through the back door.

In this small, rural Georgia community of Marietta, the controversy centers around Dr. Henry M. Morris, director of the Institute for Creation Research, which is a division of the Christian Heritage College run by the Scott Memorial Baptist Church in San Diego.

According to Judge Braswell D. Deen, chief justice of the Georgia Court of Appeals and an ardent supporter and promoter of creation teaching, "Morris is a modern-day patriot, a great American, a true scientist and hero who should be awarded the Nobel Peace Prize."

But Marietta science teachers fell as did John Yokum of Willis High School that "Morris is a fanatic, trying to push his own six-day, universal flood version of creation down the throats of the nation's schoolchildren, whether they and their parents like it or not."

Morris, who relinquished the leadership of the Department of Engineering at the Virginia Polytechnic Institute to head ICR, rejects both descriptions. He insists that he is the

innocent focal point in a religious struggle on the other side of the country.

For almost two decades, San Diego and California have been the center for the national struggle over the respective importance of teaching creation and evolution in public school science classes.

The theories of evolution are that the first living organisms originated via ordinary physical and chemical processes and that the past and present diversity of plants and animals is the result of natural selection operating on natural genetic variability.

Creationists contend that with all of the scientific data gathered in support of the theory developed 150 years ago by Charles Darwin in his "Origin of the Species" there is no evidence that actually links the evolution of one species to another. They argue that the data could just as well support their belief that all species were created separately.

This, they say, gives creation a scientific base, not a religious base and, therefore, "scientific creation" should have equal time with evolution in science classrooms.

In California's public classrooms evolution is still the only theory taught in science classrooms despite constant attacks from creation supporters. Creation, however, can be discussed in social science classrooms.

In the mid-1970s, another powerful

creation organization, the Creation Science Research Center in San Diego's Mission Valley, brought California to the brink of introducing creation into science teaching when the center convinced half the state Board of Education to support its cause.

But the 3-to-5 vote was one vote short of carrying the measure, and since then new appointees to the state board have been less sympathetic to the creationists view, and the chances of the state permitting creation teaching in science classrooms have substantially diminished.

But outside California, strides are being made toward the discussion of creation as a scientific alternative to evolution.

The New York State Board of Regents told top state Department of Education officials to examine the legal and practical implications of "introducing creation instruction in

"The origin of all the evil in the universe must have been coincident with the origin of the idea of evolution . . .

and today this God-rejecting, man-exalting philosophy of evolution spills its evil progeny — materialism, modernism, humanism, socialism, fascism, communism, and

ultimately Satanism — in terrifying profusion all over the world."

Dr. Henry M. Morris in "The Twilight of Evolution."

science classes. Legal counsel already has ruled there are no legal barriers and a decision on the practical aspect is expected within 10 to 30 days.

In Iowa, the Legislature is considering a strongly-supported bill calling for scientific creation to be taught in the public schools.

More than 20 states have policies that allow local school districts to include consideration of creation as an alternative to evolution if they choose, though relatively few have done so.

However, in Columbus, Ohio, and Dallas, Texas, a discussion of evolution in science classes must also include a discussion of creation.

Already in parts of Georgia science teachers now must balance their traditional instruction in the Darwinian theory of origins with an equal treatment of a theory that all living species were created separately.

And a bill to spread that two-model approach to the teaching of origins has already been signed by 40 Georgia state legislators and is expected to get massive support as it comes before the Legislature this spring.

Jewish dating aid offered by synagogue

Rabbi Max Shapiro cited the teaching that "marriages are made in heaven" in announcing that Temple Israel here is starting a Jewish dating service.

"Our tradition insists that we are partners with God," he said. "We can't let him down."

In less than two weeks after the service was announced in a Jewish publication, more than 75 area Jewish men and women ranging in age from 23 to 65 requested applications for it.

Among the applicants was Temple Israel's assistant rabbi, Daniel Zemel, 29, who is helping oversee the program.

Zemel said the program was the idea of Sandy Olson, who chairs the dating service committee. The committee was seeking ways to bring together single Jewish persons in the community.

Each applicant for the service gives his or her age, sex, address and interests and after being interviewed is given the names of three persons to ask for dates.

Zemel said the dating service is open to the entire Jewish community. At a meeting Thursday of the Minnesota Rabbinical Association, he urged rabbis of other congregations to encourage their congregants to participate in the service.

If Jews married other Jews instead of gentiles, a possible threat to Jewish survival would be reduced, it was pointed out.



Willmar Thorkelson

MINNESOTA

Georgia judge leading swing back from 'monkey mythology'



Braswell Deen Jr.

When schools teach only the evolutionary theory of origins, they force an "animal, atheistic, accidental, aimless ancestry" on young people, says Judge Braswell Deen Jr.

The chief judge of Georgia's Court of Appeals likes to alliterate.

He calls evolution teaching "monkey mythology, monopoly methodology and mysterious madness."

Deen's message, which he brought to several Minnesota audiences this week, including one made up of legislators and other state officials, was that schools must provide "equal time" for scientific creationism whenever they teach about evolution.

"Students are entitled to academic freedom and scientific inquiry into the claims of many Ph.D. scientists who say that humans have only human ancestry and that we do not have animal ancestry," said Deen.

Deen, who at 6-foot-5 seems to tower over his audience, is becoming a leading spokesman for legislation pending in a dozen states that would require "equal treatment." He expects about 40 states to be considering the proposal soon.

He said many school districts, including 13 in Georgia, have gone on record in support of the concept.

(A bill in the Minnesota Legislature requiring equal time was defeated in committee last year but is expected to be introduced again at this year's session).

Deen said he doesn't object to teaching about evolution in the schools, provided the alternative is also taught.

"If you teach long enough that students are animals, it should be no surprise that they act like animals."

Braswell Deen Jr.
Georgia appeals judge

From his experience as a judge, he said he has concluded that the best thing that can be done to slow down or deter crime is "to put some absolute origins in the schools so students won't think they are animal."

"If you teach long enough that students are animals, it should be no surprise that they act like animals," he said.

The judge also opposes the teaching of evolving ethics or values in schools, saying the second-best thing that can be done to reduce crime is to "put absolute values back in schools so students know the difference between right and wrong."

He said the "humanistic permissiveness" now taught in many schools is religious training offered under the guise of science and of teaching students how to think.

Deen said he became interested in scientific creationism several years ago as a hobby. After he did extensive research in science, philosophy and law, he began

teaching about it in night classes in the Atlanta area.

He said he had a lawyer's sense of injustice in seeing how students were "being programmed rather than being given academic freedom."

The 54-year-old judge claims credentials of a liberal. When he was in the Georgia General Assembly, he introduced a bill that opened the Juries of Georgia to women. He belongs to the United Methodist Church and serves as a member of the science and technology section of the American Bar Association.

Deen called the writings of Charles Darwin, father of the evolutionary theory, "racist."

He said most biology teachers don't know the full name of Darwin's book: "The Origin of the Species by Natural Selection, or the Preservation of Favored Races in the Struggle for Life."

The judge predicted that the reaction against evolution and permissive teaching and the demand for returning to basics in education "will sweep the nation and the world" in the next two or three years.

It will be the chief thrust of "the revolution of the 1980s," which is the subject of a program being prepared by Walter Cronkite, CBS newscaster, and for which Deen was interviewed.

Deen came to Minnesota under sponsorship of the Bible Science Association and its local affiliate, the Twin Cities Science Creation Association.

Dallas Times Herald

(TEXAS)

SATURDAY, AUGUST 23, 1980

25 Cents

Reagan says he questions evolution

Teaching evolution as fact called evil

By STEVE GUNN
Staff Writer

The teaching of evolution as scientific fact is at the root of every evil now poisoning America, according to some of the Christians attending a political rally of fundamental Protestants in Dallas this week.

"I call it the Mickey Mouse Mentality Monkey Mythology Methodology Monopoly Mysterious Mistrusts and Murdersome Dreams of all this Monkey Business," bellowed Dean Jr., 35, chief judge of the Georgia Court of Appeals, shouted at a roaring throng at Reunion Arena Friday.

Dean has emerged as a primary spokesman for a developing Bible Belt movement that demands public schools give equal time to the theory of evolution and the theory that God created earth and man.

Dean said 16 Georgia counties already do this and he said bills would be introduced in coming state legislatures to grant equal time. Such a bill failed in Georgia by two votes last session, Dean said. Such a bill also failed in 13 or 15 other states this session, he said.

Republican presidential nominee Ronald Reagan supported the movement during a news conference at the meeting Friday. If evolution is taught in public schools, he said, the Biblical version also should be taught.

Evolution, he said, "is a scientific theory only and in recent years has been challenged in the world of science."

Reagan said he had "a great many questions" about the theory.

"I think recent discoveries down through the years have pointed up great flaws in it," he said.

Those opposing the theory of evolu-

See THEORY on Page 3

Reagan questions evolutionary theory

THEORY — From Metro Page

tion, who call themselves "creationists," say God creates man independently of animals and that, while evolution within a species is possible, no species can evolve to another; thus man could not evolve from lower primates.

They say any fossil, biochemical or stellar scientific evidence proving Charles Darwin's evolutionary theories are twisted or are contradictory.

Dean said he would like to see a public forum such as the Scopes trial in which both sides could be presented.

"... A federal bill would have a Watergate hearing between their scientists and our thousands of scientists, a showdown regarding the federal funding of science," he said.

"Kids know frogs don't turn into fairy princesses. But when they grow up to be adults they throw a monkey

or two between them and they believe it."

In the back of the auditorium, Lettie Beth Hobbs, whose Fort Worth based, Pro-Family Forum opposes pornography, abortion, evolution and other "outgrowths of humanism," also was talking about the horrors inherent in teaching evolution in public schools.

"The teaching of evolution is the root of humanism, atheism and femi-

nism in America," said Miss Hobbs, who described her work as Christian education.

Miss Hobbs was offering a number of pieces of literature responding to various aspects of the theory of evolution. One noted that no scientist has ever explained a good reason for the evolution of eyeballs.

"We are in the minority, that's the truth," said Miss Hobbs. "But we'll win in the end."

Creation Advocate Wants 'Equal Time'

Contends Evolution Requires More Faith

By ALICE MURRAY
Contributing Writer

If a frog instantly becomes a prince, that's a nursery tale.

But if a frog becomes a prince over millions of years through an ape-like ancestor, that's evolution.

At least that's how Georgia Court of Appeals Judge Braswell D. Deen Jr. characterizes the prevailing scientific theory on the creation of mankind.

But Deen, who takes time out from his career on the bench to teach scientific creationism vs. scientific evolutionism to a non-credit course at Oglethorpe University, disagrees with the majority of scientists on the origin of man.

The judge and active United Methodist layman believes that the story of creation in Genesis is true, and should receive equal time with the evolution theory in the classroom.

"A belief in evolution requires more faith and is more religious than a belief in creation," Deen claims, and has volumes of research and evidence to back him up.

In order to believe in evolution, a person has to believe that the somewhat life forms on earth including mankind, simply came about by chance over a period of millions of years.

A belief in creation, however, only requires a person to believe that a purpose being had a plan and purpose for creating the life forms, Deen maintains. This belief, he says, requires a much smaller "leap of faith" than a belief in evolution.

But in spite of Deen's pro-creationist view of the world, all he is asking for in classrooms around the country is equal time.

Both views, he says, are philosophy. "Neither one is science and neither one is religion, really."

"The question is really for the jury, the students, as to which one weighs the most. That's not for the judge, or the teacher, to decide," Deen says.

But in spite of a popular notion of "equal time" Deen has found very few school systems that teach both views.

"If you look into the schools today, any references to creation are derogatory. Most places there is not creation teaching at all unless the teacher hauls off and teaches without a textbook," he said.

To back up his equal time plea, Deen quotes the lawyer Clarence Darrow, "who fought for freedom for his client to teach evolution in the famous Scopes 'monkey trial' in Dayton, Tenn. in 1925.

"It is bigotry to teach only one view as to origins," Deen quotes Darrow as saying.

Deen says the pressure to teach only evolution comes from a group of what he calls "fundamentalist evolutionists" who "hear one view and don't want to hear the other."

But, Deen claims, "to fail to teach both is educational misrepresentation and intellectual dishonesty."

To support his view that creation is "more scientific" than evolution, Deen lists 14 argument areas in a manuscript he has prepared after five years of research during his spare time.

The first five, classification, comparative anatomy, embryology, biochemistry and physiology revolve around the question: "Do the observed resemblances among different kinds of plants, animals and human beings suggest evolutionary genetic kinship so that the complex may have evolved from the simple, and if from dead matter, or do the observed similarities or ressem-



blances indicate common characteristics created by a common designer or creator for which inters or indicates creation?"

The next four lines of evidence that Deen cites — geographical distribution, vestigial organs, breeding experiments and mutations — involve the question: "Do the acknowledged observed changes that do occur — indicate or legally and scientifically prove how evolution has occurred? Or, on the other hand, is the normal change always limited . . . to the same original kinds?"

In answer to this question, Deen quotes numerous scientists who claim these differences are only genetic variation, not evolution — "lilies are still lilies, moths are moths, apes are apes and men are men," he writes.

The next three lines of evidence he cites are paleontology, law principles of modern mathematical probability

Judge Braswell D. Deen argues that "the question (of creation vs. evolution) is really for the jury, the students, as to which one weighs the most. That's not for the judge, or the teacher, to decide."



Staff Photo by Jerry McCallum

theory, and radiometric dating.

He argues each point to promote the creation theory, saying paleontology (the study of fossils) involves circumstantial evidence that can be used just as well by the creationist view as the evolutionist.

The final two points Deen cites are the science of genealogy and the science of chronology.

Citing the law that documents over 30 years old are presumed to be true until disproved, and the law that presumes that family history and descent records are free from supposition and are presumed to be correct, he says that such genealogy involves more written evidence that is "far superior and more believable than the suggested illusory animal family tree (tracing man to ape)."

The same laws apply in the science of chronology, which he says support the

creationist view because of the records of the past preserved in the Old Testament.

But pro-creationist arguments aside, Deen still stresses the importance of letting students make up their own minds. There are scientists, he says, who submit valid arguments for creation, and those arguments should be standard in public schools.

Deen said his interest in the issue goes back several years, and that his search led to his teaching position at Oglethorpe.

Under Georgia law, he said, judges are allowed to teach, write and lect in addition to their work on the bench.

The winter quarter course at Oglethorpe began Tuesday, Jan. 24, and will continue for eight weeks.

The True Story of Dr. Dedge and the Horned Negro

ALMA GEORGIA NEWS PAPER

When Dr. Dedge Horned a Negro

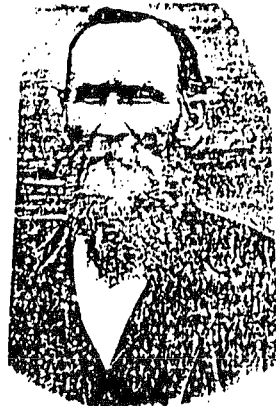
My old friend, the Doctor, John R. Dedge, as good a dentist as ever drilled a cavity or crowned a tooth, pulled a stunt that made him the most famous of the Dedge group in my time. When he fitted goat horns on a low-browed Negro and exhibited him all over the country, the surgical operation involved was the finest piece of work ever done. Surgeons all over this country examined the horned Negro without ever finding the suture. The Doctor told me that he killed many innocent goats before he ever found a pair of horns to suit his purpose, but when he did find one he homed him a freak that out classed most museum attractions in the whole country. The Doctor coined much money with the exhibit and his honored wild man was as happy as could be until they struck Evanston, Illinois, where the Humane Society raised a row and made him dehorn his money maker... That broke the wildman's heart and put a crimp in the Doctor.



ARTIST'S CONCEPTION OF THE WILD MAN OF ORETOBOOKS

A newspaper story of that day, Chicago, Tribune, I think, said that eminent surgeons there could not detect any sign of how Dr. Dedge had inserted and made fast the goat horns. As a plastic surgeon nowadays the Doctor would be a whiz, in my opinion. There was no cruelty involved; the horned freak was as happy as could be and living like a lord. Dr. Dedge was making money and seeing the country city by city. He could never see the Humane Society's point of view, and for that matter neither can I. Many freaks have been made by painful methods, but not the horned Negro. Dr. Dedge's explanation of the operation was clear enough when I heard it years ago, but I have forgotten it now.

As a youth I heard Capt. J.R. Dedge say that his father's body was almost covered by scars received in a fight with two panthers at a footlog on Hurricane creek, and that he was so badly mauled by the big cats that his young wife could not leave him and go for help for ten days. He shot and wounded one panther and the wounded cat and his mate jumped him, and he finally killed both with his hunting knife. That adventure was one of the traditions of the county years ago.



CAPTAIN JOSEPH GORE DEDGE

The Baxley News, Baxley, Georgia of June 9, 1938 published an article entitled "An Interesting Family in Old Appling" written by George D. Lowe. Mr. Lowe was a personal friend of Dr. John R. Dedge, the Alma dentist and his father Capt. Joseph Dedge, the Civil War Veteran, both buried in Rose Hill Cemetery.

Perry Street has donated this space to the Historical Society to present an interesting old Bacon County family credited with being the origin of more interesting and in many cases more bizarre stories than have ever originated in Bacon County from any other source.

Signed: Mrs. Bonnie Baker, Director, Historical Society, Alma-Bacon County, Alma, Georgia.

For more than a century there has been in Appling county a family whose name did not appear elsewhere in the South, until the present generation scattered far and wide. When Isaac Dedge came to Appling he was undoubtedly the only Dedge in America; in France the d'Edge family seems to have been fairly numerous, and I have known a half-dozen Dedges, descendants of Isaac, who were as Gallic as any Parisian boulevardier ever was.

INTERVIEW/ Judge Braswell Deen, Jr. The Georgia Bulletin March 29, 1979

"The five expelled R's must be readmitted to the classroom: Reading, Riting, Rithmetic, Rlight from Rong and Responsibility."

"The four P's -- permissiveness, promiscuity, pornotherapy (releasing tensions through pornographic materials) and proliferation of violations are the result of evolution teachings. Such teachings suggest man owes his origin to animals and thus acts instinctively and without responsibility for his actions."

"Students should not discuss ways to prevent pregnancy, but instead should be told about abstinence and laws against fornication."

These are but a few of the well-known quotes of Georgia Court of Appeals Judge Braswell D. Deen, Jr. slated to keynote the National Congress for Educational Excellence in Tulsa, Oklahoma, on April 28. Addressing delegates from 50 states, Judge Deen will focus on four topics: Humanism versus Christianity; Creation versus Evolution; America's Crime Curriculum; and What Are the Constitutional Rights of Pro-Creation Believers?

Judge Deen, 53, finds the lecture circuit a powerful vehicle for promoting his educational theories and has recently presented lectures at Heritage Inn seminar in Charlotte, North Carolina, at Baptist Bible College of Tennessee in Nashville and will complete a series of six at Rainbow Baptist Church in Atlanta on the evening of April 1. The outspoken United Methodist layman finds a relation between his profession and his lecturing efforts to create a fresh climate in the schools. "The greatest thing that can be done in Georgia and the country to improve the criminal justice system," he explains, "is to teach some absolutes of right and wrong, not values clarification, where students are told to make up their own minds about right and wrong."

Parental input is strongly needed to bring about many of Judge Deen's objectives and he frequently prods parents to turn off the "boob-tude" or give up a tennis or golf game and become familiar with their children's textbooks. Many parents are shocked when they first get into this type of thing and one group called Citizens for Another Voice in Education obtained a recent victory. This past fall the Georgia State School voted to let school

districts decide whether creationism can be taught. In three districts, it is. Last year the Georgia State Board of Education approved two different biology and science creation textbooks endorsed by thousands of reputable scientists who are creationists.



Judge Braswell D. Deen, Jr.
Court of Appeals of Georgia

H.B. 690, introduced in the legislature this year and which will remain in committee until next year, would assure academic freedom by requiring the teaching and presentation of scientific creationism in public schools if the theory of evolution is taught.

To back up his equal time plea, Deen frequently refers to the lawyer Clarence Darrow, who fought for freedom for his client to teach evolution in the famous Scopes "monkey trial" in Dayton, Tennessee in 1925. "It is bigotry to teach only one view as to origins," Deen quotes Darrow as saying. But in spite of all his pro-creationist arguments, which

have been compiled in a manuscript, Judge Deen still stresses the importance of letting students make up their own minds. Teach high or teach neither, he asserts.

Two other House Bills, introduced this year by Doug Vandford of the 53rd District, fall in line with Judge Deen's raised philosophies. "The Parental Rights Act" states that certain types of tests, including those concerning political affiliations, mental, psychological or sociological problems; sex behavior or attitudes; or religious or patriotic beliefs, could not be administered to a student without the prior written consent of a parent or guardian.

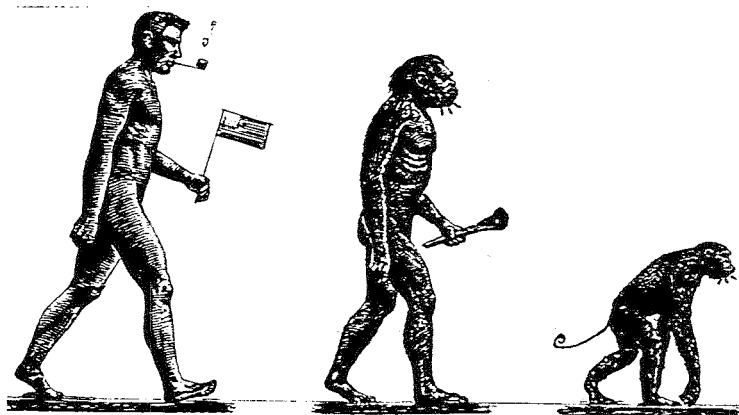
"The Parental Consent Education Act" deals directly with the type of classes taught such as evolving ethics, sex education, drug education and psychological methods. Under this bill, no student would be required to take courses in these areas. If they do, it would be with the consent of the parents. Judge Deen states that many of the classes in public school education imply that if a child has sexual relations, there is a way how not to become pregnant. And, if a child gets pregnant, there is a way to handle the consequences... like abortion. These bills do not speak of restriction but rather, parental consent.

When asked about his feelings on the International Year of the Child, he said that while some worthwhile projects will be included, most of the material being circulated such as the Bill of Rights for Children, is anti-family, anti-Church and anti-school. While concerning ourselves about the abused children of the world, he poignantly reminds everyone, "Let's not forget the nearly two million babies that will be killed this year by abortion, in the name of freedom."

When Judge Deen is not in his Appellate Chambers and not giving a lecture, he can be found at home with his lovely wife, Jean, and their two sons, Bras and Sandy.

A man of conviction and a man of dreams, Judge Deen is also a man of humour. Branding evolution as "zoology theology" and "monkey mythology," he also lightens the oft-times heated debate with this: "There is either a creator or no creator. There is no evolving half pregnancy."

Darwin's two books, DECENT OF MAN and, ON THE ORIGIN OF SPECIES THROUGH NATURAL SELECTION OR PRESERVATION OF FAVORED RACES THROUGH THE STRUGGLE OF LIFE are both dissertations denoting data, doctrines, dilemma's, delusions, of dinosaurian devolution and evolution diatribes and dogma.



Deen dissents and disagrees, disputes, denounces Darwinism declarations, discernments, dictatorial dogmatic depictions; he sees a downhill decline, deterioration and destruction of Science Instruction unless Scientific Evidence reflecting the weaknesses, flaws, and inconsistencies of macro-evolution are included in the science books and classroom curriculums. Any theory taught must be done fairly, impartiality, accurately, comprehensively and honestly.



**ENHANCING AND
ELEVATING THE IMAGE
OF OUR LEGAL SYSTEM
THROUGH REEMPHASIS
OF: RIGHTS,
RESPONSIBILITIES &
RESTITUTION**

Judge

Braswell D. Deen, Jr.

Georgia Court of Appeals

RIGHTS. Reasserting beliefs of adherence to legal precepts, concepts and ethical principles undergirding our laws will increase public trust in lawyers, judges, courts and our system of jurisprudence. Our profession must articulate—that no one is above or below the law—that all citizens have access to this system—that for every right there is a remedy—that those who are wronged may have their day in court—that although we are not all created equal physically, mentally or economically, our creator endowed rights guaranteed by the Constitution apply equally under the law to all citizens.

We must reassert that justice is based on just or unjust, fault or no fault, right or wrong—that our court system functions on precedent and is based on a higher formalism of principles rather than pragmatism, positivism and policy—that this reflects the higher law of equity and justice rather than judicial legislation and sociological jurisprudence—and that while it is permissible for the legislature in enacting law to consider utilitarianism policy, of the greatest good for the greatest number, this may be the antithesis of justice based on principle and right and wrong ethics.

RESPONSIBILITIES. It is necessary that members of our legal system challenge the popular sociological and psychological mores and games of the day based on situation ethics, values clarification, doing whatever feels good, while suggesting that blame for violent destructive and wrongful acts are solely caused by heredity

What Law Day Means To Me

and genetics or environment and society. It must be established: that those missionaries who espouse this philosophical propaganda to young and old, wherein all problems are caused by rather than just influenced by "heredity" and "environment," are misleading and undermine the absolutes on which our law is based—that blaming everything on family and society and overemphasizing "no fault" in the law is a crutch of shifting the blame to someone other than the wrongdoers—that a reemphasis of the "incipency of the free will" must be made, wherein all humans have a free will, can make choices, and therefore are responsible for our acts—that we emphasize our responsibility to the rule of law as well as magnify our rights under the law—and that while we are all presumed innocent until proven guilty under the law, we are all also presumed to know the law, and to know right from wrong as to our acts under the law.

RESTITUTION. We must reiterate: finality in our criminal justice system—a speedy indictment, trial, appeal and execution of the judgment rendered—protection of the innocent and punishment of the guilty—restitutional retribution type rehabilitation must be reconsidered and expanded—the non-violent first or second offenders may be employed making repayment to the victim—and that this rewards the innocent and punishes and provides a more effective rehabilitation for the guilty than psychological testing and exposure to hardened criminals.

A famous jurist has said: "Life is action and passion, and it is necessary for you and I to become a part of the action and passion of our time, at the peril of being adjudged not having lived." Members of our profession must articulate the critical issues of our time affecting the law, to improve its image law leadership will make more viable our important separate but equal branch of government and will elevate the image of our legal system. This is part of what Law Day means to me.

WAYCROSS JOURNAL-HERALD

JACK WILLIAMS, JR.

Publisher

JACK WILLIAMS III

Editor

Founded 1875

400 Isabella St. - Waycross, Ga. 31501

JIM PINSON Editor Emeritus

GARY GRIFFIN

Managing Editor

DONNIE L. CARTER

Business Manager

JACK WILLIAMS, Editor & Publisher (1914-1957)

Saturday, February 24, 1990, P-3

*Thought for
Today*

*"For the lips of a loose woman drip honey, and her speech is smoother than oil,
but in the end she is bitter as wormwood, sharp as a two-edged sword." Proverbs 5:3-4.*

Judge Deen Will Be Missed

□ There was some bittersweet news out of Georgia's capital city this week. Presiding Judge Braswell D. Deen Jr. of the Georgia Court of Appeals announced that he would not seek reelection to his seat during the upcoming November election.

Judge Deen, it will be remembered, was born in McRae (Telfair County), while his father, later a U.S. Congressman, was president of South Georgia Methodist College. He grew up and later practiced law in Alma and Bacon County and now lives in Atlanta.

The well-known Georgia jurist is the former chief judge of the state's appellate court. He estimates that he has written more than 4,000 published opinions (including majority opinions, special concurrences and dissents) and participated in voting on more than 13,000 cases — including cases written by other judges. From the standpoint of the legal profession, this is indeed a worthy accomplishment.

While practicing law in Alma, he served as county attorney for a period of 10 years and as state representative from Bacon County for eight years. He authored Georgia's Women Jury Bill during his tenure in the General Assembly, one that enabled women to serve on juries for the first time in Georgia's history. By helping to enfranchise women into Georgia's judicial system in the 1950s, Judge Deen adequately demonstrated his penchant for fairness and true democracy.

His strong sense of noblesse oblige propelled him to serve in numerous positions of leader-

ship in Alma-Bacon County, including service as a scoutmaster of Boy Scouts and packmaster of Cub Scouts, president of Alma's Champion Hometown Council the year Alma won first place in the State Community Awards Contest, president of the Alma Lions Club and a deputy district governor of the Lions Club District, and as a lay leader in the Methodist Church.

Judge Deen's awards have been numerous and far-reaching. He is the recipient of the Kontz Bennett "Man of the Year" trophy, the Cohen Family Award as "Outstanding Civic Worker," and was named one of the Jaycees' "Five Outstanding Young Georgians."

An ardent chess player, he was one of only two Georgians holding an expert rating in chess when he came on the appellate court in 1965 at the behest of then Gov. Carl E. Sanders.

Of particular importance to the less fortunate in Alma and Bacon County was Judge Deen's leadership in promoting low-rent housing. Under his guidance, the first low-rent housing for the elderly east of the Mississippi River and other housing developments became a reality in Alma.

We applaud the service of this fine human being. The people of Alma and Bacon County are benefitting today because of Judge Deen's diligent service, and the profession of law has been well-served by this "good and noble servant." May he enjoy his retirement with the knowledge that his professional life has improved the lot of untold numbers of people.

Savannah Morning News

Established 1850

DONALD E. HARWOOD

General Manager

WALLACE M. DAVIS JR.

Executive Editor

THOMAS F. COFFEY JR. and LARRY POWELL

Associate Editors

4A

Saturday, June 9, 1979

Judges Make Sense

From speakers at the State Bar meeting here this week have poured some words of wisdom and good sense.

One we wish to commend is Chief Justice H.E. Nichols of the Georgia Supreme Court. The chief justice reiterated the need for a unified system of appeals in state courts. Now, criminal "jail-house lawyers" can dodge and evade justice by manipulating our cumbersome appeals system. Mr. Justice Nichols wants to end this subversion of justice by limiting appeals to the minimum necessary to insure the rights of the accused. We hope to see progress made in this regard.

ANOTHER WHOSE address impressed us was Chief Judge Braswell D. Deen of the Georgia Court of Appeals. Moving away from issues directly related to jurisprudence, Judge Deen called for a stronger moral emphasis in education.

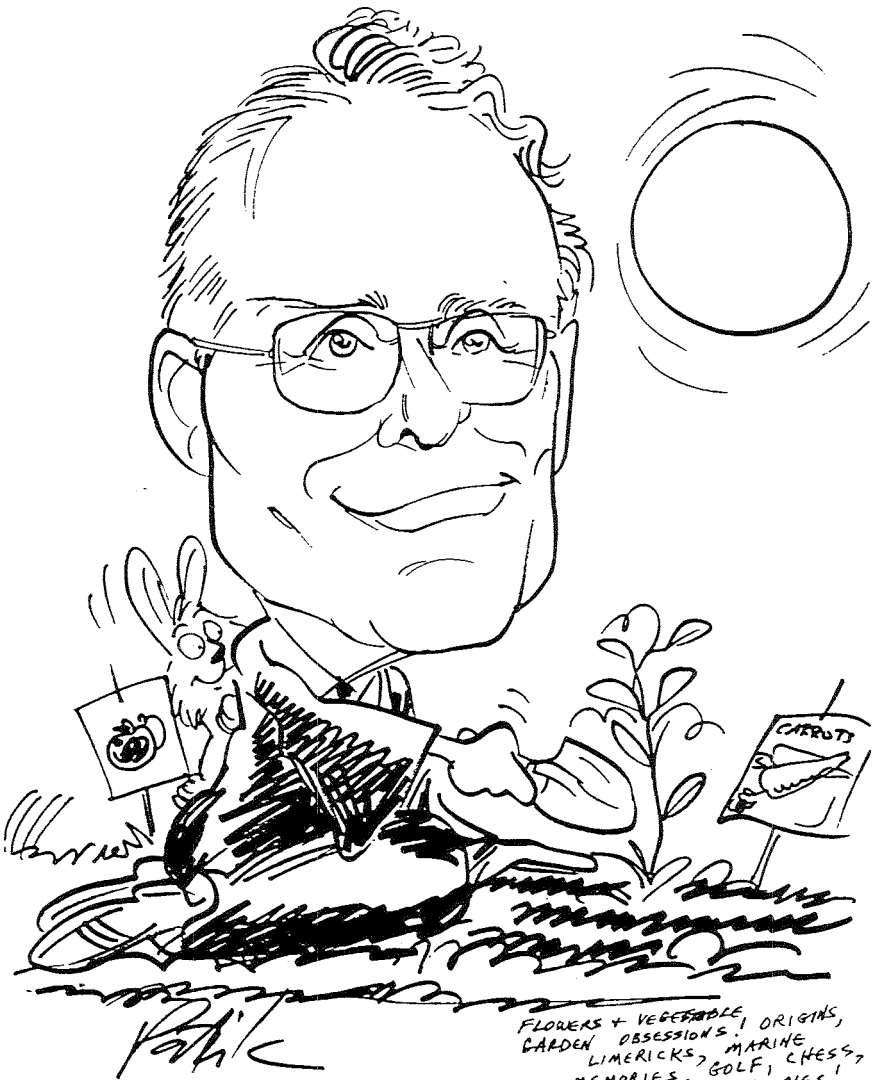
He lamented that "absolute values" aren't being taught any more and that this lack of moral

direction is behind the rise in crime that is "saturating our courts."

We strongly agree. Advocates of situation ethics" and the like often argue that absolutes aren't really absolute because they can vary from creed to creed. Some differences exist, to be sure, but creeds and moral philosophies agree on such fundamentals that lying, stealing, cheating and murdering are wrong. These and other basic standards have been necessary at all times and in all places to insure the survival of civilized society.

Some who deny absolutes may be highly moral in their own private lives, but the effect of their views is to provide an excuse for any type of behavior.

WE ARE PLEASED that Georgia has two high-ranking judges who have both sense and common sense. On many judicial benches there is enough of the former, but far too little of the latter.



FLOWERS + VEGETABLE ORIGINS,
GARDEN OBSESSIONS!
LIMERICKS, MARINE
MEMORIES, GOLF, CHESS,
DANCING, BRIDGE, ART... HOBBIES!