



# The Mountaineer



Publication of The American Legion Mountaineer Boys' State

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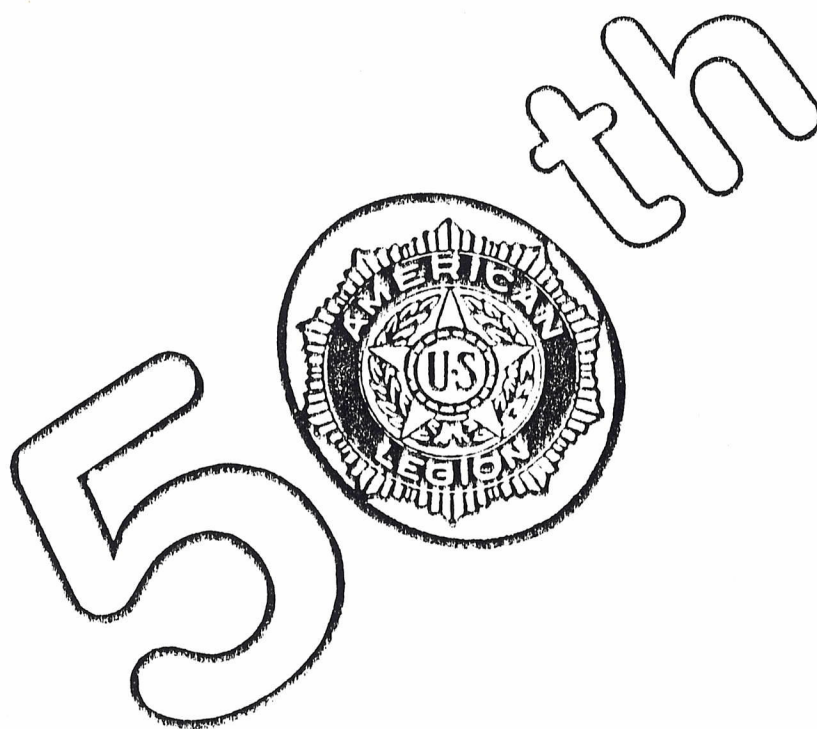
JACKSON'S MILL, W. VA. 26452 MONDAY, JUNE 15, 1987

WELCOME TO

THE AMERICAN LEGION

*Mountaineer Boys' State*

Department of West Virginia



FIFTIETH ANNUAL SESSION

JUNE 14 - 19, 1987

JACKSON'S MILL, WESTON, WEST VIRGINIA

# 50<sup>th</sup> ANNIVERSARY

The Amphitheater was the setting today for the 50th Anniversary Celebration of Mountaineer Boys' State. Mr. Bob Vass, Sr., State Adjutant, served as Master of Ceremonies. Colorguard was furnished by the Benwood Post #46.

Welcoming address was given by State Commander, Eugene T. Billmeyer. Miles Epling, Past Post Commander and National Chairman of Membership and Post Activities, had some inspiring remarks for those in attendance.

In attendance for the ceremonies were 10 past Boys' State Governors and the present Governor, Tim Absten. Past Governors included: Dave Daughtery, Governor of 1946; Jim St. Clair, Governor of 1952; Charles Lucas, Governor of 1954; Tom Way, Governor of 1964; Elliot Hicks, Governor of 1974; Charles Smith, Governor of 1976; Mark Zachwieja, Governor of 1980; Brent Walter, Governor of 1981; John Gemono, Governor of 1983; Anthony Webster, Governor of 1985.

Highlighting the ceremonies was the presentation made to Dr. P. E. Kercheval for his many years of service to Boys' State. Dr. Kercheval is now attending his 50th year at Boys' State. He has served on the medical staff for many years. He and his wife, Pat, have given many years to the program at Jackson's Mill.

Also in attendance was Chester Phillips, past staff member. Mr. Phillips made some remarks. Boys' Staters from past years were introduced.

The program concluded with the singing of "Men of Tomorrow" by the past Boys' State Governors. Dixon Jones provided the Invocation and the Benediction.

Most importantly, the efforts of John Cremeans, Jr., are to be commended. Mr. Cremeans worked long and hard to make the ceremony possible. We commend him and appreciate the dedication he has shown to the program at Mountaineer Boys' State.

## WELCOME

The 50th Annual American Legion Mountaineer Boys' State was officially underway yesterday afternoon at 1:00 p.m. when the Boys' State Administrator, Robert Stine, began registering the 1987 citizens from throughout the State of West Virginia. Mr. Stine has served Mountaineer Boys' State for 29 years and is presently in his sixth year as the administrator of the Boys' State program.

Mr. Stine pledges to continue the same high quality program that has been so successful in the past. The Staff is here to help the citizens. If you need any help with campaigns, et cetera, please let us know. We'll help you in any way we can. If you have any news you'd like to have printed in the daily newspaper, we'd like to know about it. We need your help also. This is your paper, and you should have part in the news.

Please enjoy the week. Get involved in the activities offered this week; whether it be in the elections or athletics. Have a good time, learn a lot about your State Government, and make friends.

MONDAY, JUNE 15, 1987

6:30 A.M. REVEILLE AND CLEAN QUARTERS  
7:20 A.M. FLAG RAISING  
7:25 A.M. BREAKFAST  
8:00 A.M. FILE FOR STATE OFFICES AT GHQ - HARRISON COTTAGE  
UNTIL NOON FILE FOR COUNTY OFFICE WITH COTTAGE COUNSELORS  
GROUP ARRANGEMENT BY COUNTIES TO MEET ASSIGNMENTS FOR LECTURES:

GROUP 1 - MARION, KANAWHA  
GROUP 2 - BRAXTON, WEBSTER  
GROUP 3 - PANHANDLE, GILMER, MONROE  
GROUP 4 - LEWIS, UPSHUR, BARBOUR  
GROUP 5 - RANDOLPH, CALHOUN, MONONGALIA

COURTS - SEWING CENTER, LEFT; TAXATION - FLAMEWAY; LAW LECTURE - RURAL ELECTRIC;  
MAGISTRATE COURT - WVA BUILDING; PRESS RELATIONS - SEWING CENTER, RIGHT.

	8:10-8:45	8:55-9:30	9:40-10:15	10:25-11:00	11:10-11:45
GRP 1	COURTS	TAXATION	LAW LECTURE	MGS. COURT	P.R.
GRP 2	TAXATION	LAW LECTURE	MGS. COURT	P.R.	COURTS
GRP 3	LAW LECTURE	MGS. COURT	P.R.	COURTS	TAXATION
GRP 4	MAGISTRATE CT.	P.R.	COURTS	TAXATION	LAW LECTURE
GRP 5	P.R.	COURTS	TAXATION	LAW LECT.	MGS. COURT

#### INSTRUCTORS

COURTS - DANNY STAGGERS  
TAXATION - JAMES BOGGS - ROGER SMITH  
LAW LECTURE - JAMES ST. CLAIR  
MAGISTRATE COURT - CHARLES HOWARD  
PRESS RELATIONS - DON MARSH

#### AFTERNOON:


12:15 LUNCH SEC. OF STATE, KEN HECHLER & CONGRESSMAN ROBERT WISE  
1:15-1:50 BAR EXAM AT ASSEMBLY HALL. ALL PROSPECTIVE LAWYERS, JUDGE, PROSECUTING ATTORNEYS AND MAGISTRATES MUST PASS EXAME TO BE ELIGIBLE.  
2:00-3:40 PARTY CAUCUSES - NATIONALISTS IN WEST VIRGINIA BUILDING AND FEDERALISTS IN ASSEMBLY HALL  
ELECTION OF OFFICIALS - PREPARE BALLOTS. CANDIDATES IN  
PRIMARY SHOULD BE PREPARING MATERIAL. ADVANCE PREPARED MATERIAL NOT ALLOWED.  
3:40-5:00 ATHLETICS - FOLLOW SCHEDULE PRESENTED. BAND PRACTICE  
5:15-5:25 RETREAT  
5:30 DINNER  
6:15-7:15 ATHLETICS - BAND  
7:30 ASSEMBLY - AMERICAN LEGION PROGRAM - MR. TOM TINDER  
ELECTION - POLLS CLOSE AT 10:P.M.  
TROPHY COMMITTEE REPORT  
10:45 TAPS - ALL CITIZENS IN BED - LIGHTS OUT AT 11:00 P.M.

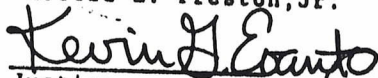
Citizens of Boy's State vs. Administration of Boy's State

Decision entered June 19, 1986.

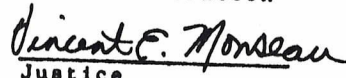
Scott Estep representing the citizens of Boy's State as brought before the Supreme Court of Appeals of WV on the 19th day of June, 1986, the Boy's State Attorney General, representing the citizens of Boy's State has requested a writ of mandamus to compel the administration of Mountaineer Boy's State to uphold and enforce the decision of the 1984 Boy's State Supreme Court which voided the 18th Amendment and adopted a new law. This law stated the program for evaluation of lawyers in WV Mountaineer Boy's State was unconstitutional. The new law stated that the administration should only allow the scorers in the top 37.5 percent of the Mountaineer Boy's State Bar Exam be deemed fit to become lawyers, provided that everyone took the bar exam. Stated another way, the top 37.5 percent of the scores will be deemed passing grades, and will provide eligibility for the Boy's State Bar Assoc.


The writ is issued to force the administration to void the 18th amendment and adopt the new standards made in 1984 which were not followed by the administration. The court further orders that all the opinions written by the Supreme Court and the law conceived there in shall be published in the Boy's State Manual in the future. Also, the court specifically orders that this decision and the 1984 decision be published in the camp newspaper and future manuals. The court finally advises all citizens and others associated with Mountaineer Boy's State that the decisions of the Supreme Court are binding law until overruled by the Supreme Court or validly ratified constitutional amendment.

  
Justice  
Harrold E. Preston, Jr.

  
Justice  
Kevin G. Evanto

  
Justice  
W. Neal Stratton

  
Justice  
Vincent E. Monseau

  
Chief Justice  
R. Allen Coffman, Jr.

CITIZENS OF BOYS' STATE vs. BOYS' STATE LEGISLATURE

Decision entered June 21, 1984

Mark A. Riffle representing the Citizens of Boys' State

As brought before the Supreme Court of Appeals of West Virginia on the 21st day of June, nineteen hundred and eighty four, the Boys' State Attorney General, representing the Citizens of Boys' State, has questioned the constitutionality of the eighteenth amendment to the Boys' State Constitution ratified by a special election, June 18, 1982 by the 1982 Boys' State Legislature.

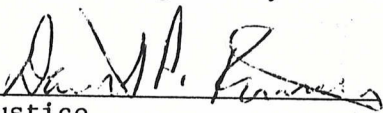
The eighteenth amendment states that the Bar Exam "will be based on a percentage grade whereby each person that passes said percentage will have passed the examination. Said percentage shall be 60% and shall not fluctuate. Each question shall be worth one point whether right or wrong." We today consider whether this enactment of the Legislature passes constitutional muster.

According to the Separation of Powers Doctrine, the power to determine the eligibility of a lawyer to act before a court of law is vested exclusively in the Supreme Court of Appeals of West Virginia.

Thus, the amendment governing the Bar Exam has been ruled unconstitutional and void from the Mountaineer Boys' State Constitution by means of improper statutory procedures and in violation of the Separation of Powers Doctrine.

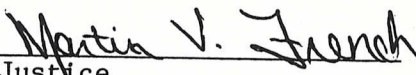
With the repeal of the amendment, the court must now face the task of establishing a standard for future admittance to the Mountaineer State Bar.

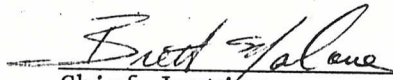
The Separation of Powers Doctrine vests specific powers in the executive, legislative, and judicial branches of the government. As the Supreme Court has exclusive power to rule on lawyer acceptance, as stated in the Separation of Powers Doctrine, it has been decided that the most effective program to prepare for evaluation of lawyers which will be before a West Virginia Court of Law is through standards by which the before mentioned exam allows for only the top scores of the 37.5% of the Citizens of Mountaineer Boys' State be deemed to pass the Bar provided that everyone take the Bar exam. Stated another way, the top 37.5% of the scores will be deemed passing grades, and will provide eligibility for the Boys' State Bar Association.

  
Justice  
Daniel P. Kinney

  
Justice  
David H. Rodriguez

  
Justice  
Brian D. Griffith

  
Justice  
Martin French

  
Chief Justice  
Brett Malone