

Intervenors Attempt To Appeal Rice Charter Decision In Court

By JOHN HAMILTON

Thresher Editorial Staff

Attorneys for Rice University's Trustees argued in the State Supreme Court yesterday against the recognition of an appeal by the alumni group fighting integration of the University.

Trustees' attorneys Dillon Anderson and Tom M. Davis stated that the alumni, led by John B. Coffee and Val T. Billups are only intervenors in the suit that brought about the changes and are therefore not entitled to appeal.

The suit filed by the trustees overthrew the racial and tuition barriers in the 1891 indenture of William Marsh Rice that founded the institution.

No Right To Appeal

Anderson told the court, "It is our contention they have no right to appeal, either under the common law or the statutes."

He said that under the law, only the attorney general of the state has a "justiciable interest" in an action such as this, in which the trustees seek to nullify the terms of the Rice trust.

The attorney general is required to defend suits involving public trusts in Texas.

Intervenors Allowed

When the case was tried in district court in March, 1964, Atty. Gen. Waggoner Carr asked that the lawyers for John B. Coffee and Val T. Billups be allowed to carry the burden of the case in trial court.

The university did not object to Carr's declared intention of allowing all interested parties who wished to become a part of the case.

But, said Anderson, when the trial court ruled in favor of the

University's trustees, the matter was settled.

First Appeal Denied

Coffee and the protesting alumni are asking the supreme court to send the case back to the Houston Court of Civil Appeals, which has refused to hear the appeal on the grounds the alumni were not the main parties in the case and have no appeal rights. The Attorney General has not filed an appeal.

Davis, arguing for the University, contended that the attorney general alone has the responsibility for defending public trust suits and that such authority cannot be delegated.

"If it was not this way, anyone who ever attended Rice or ever gave \$1 to its trust fund could bring a suit whenever they felt like it," he said.

Represent A Class

Attorneys Joe Reynolds and Wright Morrow, arguing for the appellants, took exception.

"They (Coffee and Billups) were alumni. They were contributors to the very fund which Mr. Rice created. They contended they represented a class of people who would go to Rice in the future under terms of the trust," Reynolds said.

He stressed the failure of Rice attorneys to contest the right of Coffee and Billups to become intervenors at the time they entered the suit.

Send Back To Court

"We contend they have a right to sue, to appeal, and to participate in the appeal. We contend we definitely are beneficiaries as a class. On this basis alone, we say the court should send this back to the appeals court with instruction that

we have a justiciable interest."

The suit was originally filed by Rice trustees in 1962 after they decided that it would be in the best interests of the school to desegregate and begin charging tuition, both measures specifically prohibited in the founder's indenture.