



The Docket

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The Villanova DOCKET

COLEMAN to SPEAK at LAW SCHOOL FORUM

Lawrence Flick Named Annual Banquet Chairman

Robert H. Ford, president of the Villanova School of Law Alumni Assn., named Lawrence F. Flick as chairman of the annual banquet committee.



It was also announced that C. Clark Hodgson, Jr. will head the Annual Alumni Giving drive and Patrick C. Campbell will be in charge of the annual Christmas Party. During the meeting in the law school, where the appointments were made, it was revealed that a new office of alumni administrator was created and that Professor John J. Cleary, a member of the Villanova Law School faculty, was named to that position.

Alumni Take Vote, Elect Dale McClain

Dale McClain '64, of the firm of Pepper, Hamilton & Sheetz, was elected president-elect of the Villanova Law School Alumni Assn. at a meeting held in the law school. Other officers elected were: Edwin Scott '63, currently with the Philadelphia Electric Co., secretary, and Henry (Hank) M. Burgoyne '65, of the firm Labrum & Doak, treasurer. Robert H. Ford was installed as president.

Law Club System Undergoes Change

Due to the leadership of third year students and interested faculty members, the law club system has been drastically revamped this year.

As it previously existed, the law clubs failed in their essential role as liaison between the individual and the institution. All students were placed into clubs. These clubs functioned well principally at one time of year and for only one activity—football.

Under the new system the club council features an organizational breakdown that has eliminated the overlapping of authority that paralyzed action in the old organization. Now there exists a direct line of command from the council to the clubs resulting in improved communications.

Functionally the organization has switched from an involuntary base to a voluntary one.

The reduction of eight clubs to four enables these groups, through increased funds and student numbers, to function independently. Each club will be sponsored by two faculty members allowing student and faculty to meet on a more comfortable level. The promise of similar types of meetings with prominent local judges and attorneys will help round out the law student's education—filling in many doubts and uncertainties as to the law's practical applications.

Noted Lawyer Will Discuss 'Constitutional Frontiers'

The Villanova Law School Forum commences its twelfth year on Friday, October 22, with an address by William T. Coleman Jr., a partner in the Philadelphia firm of Dilworth, Paxson, Kalish, Kohn, and Levy.

Among Mr. Coleman's distinguished credits are that of the position of Senior Consultant and Assistant Counsel to the President's Commission on the Assassination of President Kennedy; and that of Vice-President of the NAACP Legal Defense and Educational Fund.

The topic of the address is "Present Frontiers of Constitutional Law." This topic is familiar to Coleman through his trial and appellate practice before the Supreme Court of the United States; the Supreme Court of Pennsylvania; the Second, Third, Fifth, Tenth, and District of Columbia Circuits of the United States Court of Appeals; the Federal District Court; and the Federal Power Commission. During his practice, Mr. Coleman has dealt with cases in various areas of the law, including business, corporations, insurance, natural gas, child welfare, and civil rights.

On November 18, Dr. Robert Strausz-Hupe, author of several foreign policy studies, including "Building the Atlantic World," will speak on "Strategy and the Political Imagination." Dr. Paul E. Sigmond, author of "Ideologies of Developing Nations" and the forthcoming "Views of America," will detail the "Ideologies of Developing Nations" on December 2.

On February 2, 1967, the Honorable Joseph D. Tydings, United States Senator from Maryland will give an address on "The National



W. T. Coleman, Jr.

Judicial Relief Act." On March 3, Frederick Heldring, a financial expert and former member of the Dutch Underground, will discuss "International Liquidity."

On Wednesday, March 15, M. Gerard De La Villesbrunne, counselor to the French Embassy in Washington and Special Assistant to General De Gaulle, will consider "The Evolution of France in a Changing World."

Present Need Indicated For New Residence Hall

A proposed new residence hall for the Villanova School of Law became a little more concrete in the eyes of the students when Dean Harold Gill Reuschlein took a survey in each of the several classes in an effort to determine the expectant needs of such a facility.

The hall, which would be a self contained living quarters with dining facilities in the structure, would be shared by members of the regular graduate division of Villanova University.

Significant among the statistics,

compiled among 377 students, was the fact that 67 persons would want room and board and 96 persons would want room but not board. This would mean that nearly 163 persons would be resident on campus.

The facility, which would be erected adjacent to the law school, would serve meals to non-resident students as well. The figures compiled show that 102 would take breakfast, 205 take lunch and 155 take dinner.

Schoenfeld Accepts Position As Associate Law Professor

Marcus Schoenfeld has become a member of Villanova School of Law faculty as an associate professor of law.

Schoenfeld comes to Villanova after three years of teaching at Cleveland—Marshall Law School, Cleveland, Ohio. There he taught courses in business organizations, federal income taxes, federal estate and gift taxes, debtor-creditor relations, administrative law and legal accounting.

During his stay at Cleveland-Marshall, Schoenfeld was faculty advisor to the law review. He was also active on the Legal Committee of the Ohio Civil Liberties Union. At Villanova, Schoenfeld is scheduled to teach corporations, federal taxes, agency and partnership and accounting.

The new addition to the law faculty has had an interesting and varied career since receiving an A.B. in Economics from Harvard as well as an LL.B. from Harvard Law School.

After admission to the New York State Bar in 1957, Schoenfeld was appointed associate editor of Prentice-Hall's federal tax course. Later he practiced law with the firm of Isacson and Weinberger in New

(Continued on Page 3, Col. 4)

Co-Counsel Briefs Prepared Under New Moot Court Setup

Among the changes resulting from the consolidation of the law clubs was the change in the moot court system.

The first year students, who will now have the advantage of working with co-counsel, will be preparing briefs during the fall term in conjunction with the legal research course. The arguments on these briefs will be heard in the spring.

Moot Court, which has previously been compulsory only for the first year students, is now also mandatory for all second year students as well. The members of the second year are given the option of participating in the fall single-round presentations or the Reimel competition in the spring.

The single-round competition for second year will follow the same basic plan as the first year, each team arguing only once against a team from another club or an independent team.

An innovation this year is that students may select the club of their choice or remain independent. Club teams will argue against teams from other clubs or independent teams. The regulations re-

(Continued on Page 6, Col. 5)

THE SCHOOL OF LAW — VILLANOVA UNIVERSITY Alumni Giving as of October 11, 1966

Class of	Number of Members	Number of Contributors	% of Class Contributing
1956	28	23	82.1
1957	21	17	81.0
1958	29	22	75.9
1959	32	28	87.5
1960	33	25	75.8
1961	29	26	89.7
1962	58	49	84.5
1963	48	40	82.5
1964	46	41	89.1
1965	68	50	73.5
Avg. and Totals	392	321	81.9

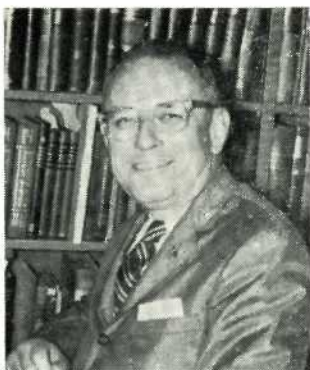
From the Dean's Desk As I See It . . .

By Harold Gill Reuschlein

For the second successive year The Villanova Docket, now in its fourth year of publication, began with a special "Welcome Aboard!" edition. This has now become a valuable means of acquainting incoming students with the school of law.

As the new academic year enters its second month, our student body numbers 377, up from last year's enrollment of 346. We are crowded to the point that, should there be no further growth in the student body, we must enlarge the Garey Hall plant at the first possible moment.

This year's first class numbered 141 as against 160 entering the previous year. This reduction was by design and was made imperative by faculty limitations and by space limitations in Garey Hall. In the present first year class, forty-nine different colleges and universities are represented. Thirty-eight per centum are non-Pennsylvanians. This represents a desired gain in our efforts to make Villanova a "national" law school. That goal, I realize, will only be attained when we have first-class residence facilities adjoining Garey Hall. Happily, that day is much nearer at hand than it was a year ago. Elsewhere in The Docket you may read about a recent poll indicating that about forty-three per centum (43%) of our present student body would live in such a residence hall were it now available.



Dean Reuschlein

Happily all of our faculty are with us again this year. One new professor has joined us. Professor Marcus Schoenfeld, for several years a highly successful teacher at the Cleveland-Marshall Law School of Baldwin Wallace College in Cleveland, will work primarily in the fields of taxation and corporations.

Each year our alumni prove themselves a loyal and devoted group, and the past year has been particularly demonstrative of alumni determination to play a worthwhile role in the development of the School.

We are greatly indebted to James W. Schwartz '59, President of the Law Alumni during 1965-1966 and to C. Clark Hodgson Jr. '64 and Alan C. Kauffman '64, co-chairmen of a highly successful annual Law Alumni Dinner. Our Annual Giving Campaign is in its final stages and will very shortly be concluded. For the success of the 1966 campaign, I am most grateful to Lawrence F. Flick '62, a completely dedicated chairman. As I write, 81% of our alumni contributed. For the fifth successive year, well over 80% of our alumni have contributed. We are certainly in fair way to equalling last year's record 84% within the next two weeks.

To date, our dollar volume increased by 22% over last year. In percentage of contributors, the class of 1964 leads with 90% of its members contributing. In dollar volume, as should be expected, our first class, the class of 1956 leads. Runner-up in percentage of contributors is the class of 1961 with 87% contributing to date. The runner-up in dollar volume is the class of 1962. We're genuinely proud of this performance.

There will be much doing at Garey Hall throughout the year and we hope to see our alumni out here often and in large numbers. Many of you will be assisting in our legal writing program, in placement conferences, in the moot court program and, hopefully, in recruiting good students.

Our Law Forum program is most attractive this year. You will be advised of dates and speakers through the columns of The Docket, The Legal Intelligencer and other news media. Come and join us on the Forum nights.

By all means, please reserve the evening of Friday, November 4, for our annual Red Mass to be celebrated at seven o'clock that night in the University Chapel by our good friend Bishop McDevitt. The distinguished preacher is to be Father Vernon F. Gallagher, C.S. Sp., Provincial of the Holy Ghost Fathers and former president of Duquesne University. The Villanova Singers, better than ever this year, will sing. And for the first time, the newly designed Law School flag will be carried in the procession of colors. The Mass promises to be more beautiful and inspiring than ever.

Dilworth Speaks At 2nd Annual Alumni Dinner

The Holiday Inn, Philadelphia, was the site of the Second Annual Alumni Dinner. A cocktail party which began at 6:30 p.m. was followed by dinner.

There was a substantial turnout, as expected by the co-chairmen of the affair, C. Clark Hodgson and Alan C. Kauffman, both of the class of '64. The speaker for the dinner was the Honorable Richardson Dilworth, President of the Philadelphia School Board. The faculty was also invited.

First Graduates Schedule Reunion

The first graduating class of the Villanova School of Law has scheduled a tenth reunion for Saturday, December 3, in Garey Hall lounge. All members are requested to attend the dinner and reception with their wives, it was announced by D. Barry Gibbons, '56, and Joseph R. Glancay, '56, co-chairmen of the event.



J. Mathews

Mathews Serves As Chairman In Concrete Strike Dispute

James Mathews '57 served as chairman of a six-man Employer Negotiating Committee during the recent concrete workers strike over the issue of a guaranteed work week. His office, Morgan, Lewis, and Bockius, of Philadelphia, represented the Associate Concrete Producers throughout the negotiations.

Although the strike and resultant walkout involving 11 companies lasted seven weeks, negotiations between the parties were carried on for a total of eighteen weeks.

The strike was finally settled with the help of Commissioner John Murray of the Federal Mediation and Conciliation Service, which is part of the executive branch of the government.

The last meeting of the Employer Negotiating Committee began at 10:00 a.m. and lasted until 5:30 a.m. the next morning.

May I close by congratulating Robert H. Ford '63 our new Alumni president and the newly elected officers for 1966-1967. They were inducted at a highly successful annual meeting on Friday, September 30. Incidentally, we expect alumni business to flow much more smoothly this year with the designation of Professor John J. Cleary '59 as Executive Secretary of the Association.

We're off to a good year!

Order of the Coif Awarded During Graduation Exercises

Seven members of the class of 1966 were named to the Order of the Coif during graduation exercises held at the Philadelphia Convention Hall.

The graduation was highlighted by an address by the Honorable Lawrence F. O'Brien, Postmaster General of the United States.

The graduates selected to the Order of the Coif were: William T. Define, Arthur M. Golberg, Edward C. Mengel Jr., J. Edward Mullin, Edward J. O'Malley, Dolores E. Sesso and Richard H. Zamboldi.

Prizes were awarded to 11 of the graduates, they were:

Dolores B. Sesso, Saint Ives medal, Vincent A. Carroll award, and Title Insurance Corporation award; J. Edmund Mullin, Thomas J. Clary award, John J. McDevitt award, Saint Thomas More Society award, and Rose B. Rinaldi award.

The Law Alumni award, Bureau of National Affairs award, and Silverberg award were presented to Jay Scott MacNeill; The Theodore L. Reimel award was presented to Charles A. Haddad, Eugene D. Silverman, and Andrew Hailstone. Joseph A. Tate received Herman J. Obert award and Lawyers Title award; also receiving the Lawyers Title award was Laurence P. Melia.

The Nathan Burkan Memorial Award was presented to Peter C. John and the Administrative Law Prize was awarded to Edward J. O'Malley. Joseph C. Kelly received the Hyman-Goodman award.

Members of the Villanova Law Review were honored. They included Edward G. Donnelly, Jr., editor-in-chief; James P. Gannon, article and book review editor; Edward J. O'Malley, associate editor; Richard H. Zamboldi, comment editor; Edward C. Mengel Jr., recent developments editor; and Dolores B. Sesso, managing editor.

The editorial board included Jeffrey A. Brodtkin, William T. Define, Arthur M. Golberg, Kenneth L. Gross, Peter C. John, Joseph C. Kelly, John A. Luchsinger, Laurence P. Melia, J. Edmund Mullin, (Continued on Page 6, Col. 3)

Alumni Locator

Paul E. Crawford, '64 has recently left the Patent Office in Washington and is now with the Wilmington, Del., law firm of Conolly, Bove & Lodge.

Francis P. O'Hara has recently become associated with the law firm of Fox, Differ, DiGiacomo & Lowe. Frank was graduated in 1965.

Robert L. McLaughlin '57 is presently with the law firm of Orlando G. Bendana Esq., New Orleans, La. His home address is 4515 Prytania Street, New Orleans.

Thomas J. Ward '61 has been named assistant secretary, Rockwell Manufacturing Company, Pittsburgh, Pa.

Captain Robert Anthony Godwin '63 recently returned from Viet Nam where he was serving as Chief Defense Counsel and Legal Assistance Officer for the Third Marine Division at DaNang. He is presently assigned to Marine Corps Base Camp, Pendleton, California.

Michael P. Bianchini '63, until recently with the Federal Estate and Gift Tax Division of the Internal Revenue Service, has become associated with the Law firm of Stetler & Gribben. Leo Gribben is a member of the first graduating class of 1956.

Lewis H. Gold '62 who has been in the District of Columbia with the Justice Department has returned to Philadelphia to practice with the firm of Adelman & Lavine.

Lawrence M. Lavin '65 is in Kenya with the Peace Corps.

Class of 1960 Holds Reunion

The Class of 1960 held its first reunion at the home of Jack E. Levin, Esquire, 430 Sycamore Avenue, Merion Station, Pa.

The affair, was attended by the following members of the class together with their wives and children: Herbert H. Brown, George M. Bush, Leslie J. Carson, Edward R. Casey, Eugene Chovanes, Berge M. Heede, Jr., Jack E. Levin, Henry C. Lucas, Joseph J. Mahon, David H. Moskowitz, James A. Mullen, Peter G. Nyhart, Bernard Thomas Quinn, Robert G. Sur, and Emil F. Toften.

Social-Light

We are happy to report that Thomas A. Hogan is doing well with both business and family. He was appointed Municipal Attorney and Municipal Prosecutor for the Borough of Edgewater, N. J. He also became a father for the second time when his wife, Maryann, gave birth to a son, Timothy John.

William Gold, class of '66, joined the floor-walkers' union as of June 27, 1966, when his charming wife gave birth to 9 lb. Lawrence Erik. Happy bottle warming, Billy!

Paul X. McMenaman, class of '66, became a proud papa on May 7, 1966, when his wife, Nancy Ann, gave birth to a 5 lb. 13 1/4 oz. bouncing baby girl who will take her mother's name. The McMenamans reside in Spring Lake Heights, N. J.

Micheal Bruce Kean, '64, married Joan Marie Shelkofsky on July 9 in Chevy Chase, Md. His ushers included George Conti, '64; James Kays, '64, who will teach Business Law at Syracuse Univ.; and Raymond Rafferty, '64. Mike will return to St. Louis University where he is teaching law.

Paul H. Ostien Jr., class of '66, became the senior member of his family of two when he wed Della Ombor of Lima, Pa.

Cupid shot his arrow into the

heart of Joseph J. Rucci, '66, who popped the question to Deborah E. Bacon of Hastings-on-Hudson, N. Y. Miss Bacon is a school teacher.

Bill Losquadro, '67, crossed the state line to get himself a girl. Verna Kopec of Hasbrouck Height, N.J., will become his blushing bride in Aug., 1967. Miss Kopec teaches third grade.

Another third year student to soon walk down that aisle is John Cunningham. He will wed Marty Bennett of Drexel Hill, Pa., who is presently an elementary school teacher.

Our infamous number one, Arthur Brandolph, class of '67, will spend this Christmas Day as the number one man for Karen Ross of Philadelphia when they tie that wedding knot. His fiance is a school teacher and let's hope she teaches Artie to be a number one husband.

Larry S. Trachtman, class of '68, wed Linda Scott. After a honeymoon at the Jamaica Playboy Club, the newlyweds set up housekeeping at Domino Lane in Philadelphia. In the wedding party were Jack Land, '68, and Richard Gerson, also of '68.

Mark S. Udren, '67, wed Karen Gold. The couple spent their honeymoon in Jamaica.

Numerical Grades Are In Last Year, Letters To Be Used

Beginning with the class of '68, a new law school marking system was initiated. Formerly, students, had always been marked numerically; but now the use of the letter grade is in effect for first and second year students.

Donald W. Dowd, chairman, John J. Cleary, and John Murray Jr., former law professor at Villanova, did a great deal of research on the problem of grading which resulted in the system now in effect.

The professors consulted all members of the faculty and took various surveys to determine the average grade in different courses. The committee found that there was a big disparity in the average grade from one course to another, especially in the electives.

Also, with the split sections, the committee realized that half of the incoming students would have different professors and that a disparity in marking would appear in the required courses.

The new grading system has helped to achieve greater uniformity of grades. Under the old system one professor might consider giving a 90 to an excellent paper while another professor might only give an 80. On the other end of the marking scale, one professor might feel that 67 is an unsatisfactory mark while another professor might consider 61 as unsatisfactory.

Under the new system, an excellent paper will be graded "A" and an unsatisfactory one "D". After analyzing last year's grades of the first year, there was a closer range in the average grade among the professors than when they marked by using the numbers.

The system will benefit the students with high and low averages. Also, honors will be bestowed upon students who graduate with a cumulative weighted average of 3.00 or better. This is more realistic than under the old system where it was more difficult to obtain honors.

The major defect in the system is that the bulk of students are in the C area; therefore, to alleviate this problem, the C+ has been instituted.

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Accepts Position

(Continued from Page 1)



M. Schoenfeld

York City.

While practicing law, he worked toward an LL.M. in taxation, which he received from New York University in 1962. During recent summers he has taken courses at New York University under the Ford Fellowship for Law School Teachers; and he is presently a candidate for the J.S.D. degree.

The field of legal writing has benefited greatly from Schoenfeld's efforts. He is the author of several chapters of Howard L. Oleck's *Non-Profit Corporations, Organizations and Associations*, a 1965 publication of Prentice-Hall.

Schoenfeld also has written many law review articles during his legal career.

Although his primary interest is in the area of tax law, his most recently published law review article concerns the constitutionality of the New York Stop and Frisk Law.

A native of New York City, Professor Schoenfeld now resides in Stratford.

Football Schedule Reflects Change In Law Club System

The interclub sports program is still in its formative stage. Due to the scheduling of classes on Friday afternoons, the inter-club football league has scheduled the games on Wednesday afternoons at 4:15 and 5:15.

Even though there is a reduction in the number of law clubs, the number of teams participating in the football league will remain at eight, with each law club fielding two teams. This was done to allow participation in the football league by all interested students.

The present plan is to have two divisions, League A and League B, with a playoff at the end of the season to determine the champion. Since student participation in the past has been very enthusiastic, the interclub council is looking forward to an active season.

The interclub council has also expressed an intention to formulate a basketball league, despite the students' lack of interest in last year's program and the resulting collapse of the league.

In addition, plans are being formulated to initiate a tennis tournament among the law clubs. And with the increased size of the law clubs, the interclub council feels that it can initiate a softball league. However, as stated before, the above programs are merely in the formative stage and require student participation to be successful.

THE VILLANOVA DOCKET

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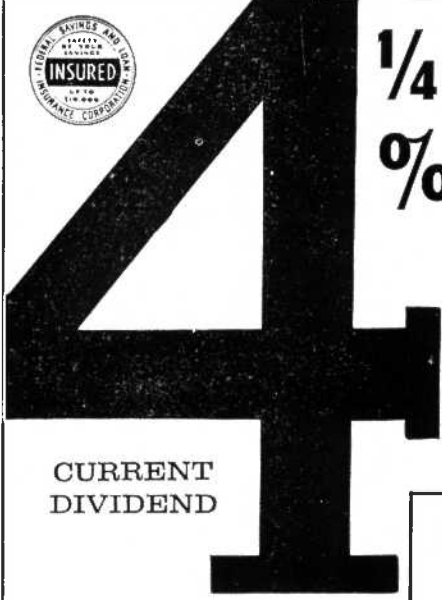


A Party

WHETHER IT'S A PARTY OF TEN—OR A PARTY FOR A THOUSAND — NO RESTAURANT CAN MATCH THE LUXURY OR PERSONAL SERVICE OF THE FALCON HOUSE! "HAVE A BALL" — AT THE FALCON HOUSE!



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CALENDAR of EVENTS

UPCOMING EVENTS

October	Robert Strausz-Hupe, 6 p.m., Garey Hall.
21—Friday — Law Forum, William T. Coleman, Jr., Esquire, will speak on "Present Frontiers of Constitutional Law," 8:30 p.m., Garey Hall.	
November	
4—Friday — Red Mass, 7 p.m., Chapel.	
18—Friday — Order of the Coif Dinner and Forum Lecture. Speaker — Dr.	
December	
2—Friday — Law Forum, Dr. Paul E. Sigmund will speak on "The Ideologies of Developing Nations," 8:30 p.m., Garey Hall.	
17—Saturday — Alumni Christmas Party, 9 p.m., Garey Hall.	

Non Obstante Veredicto

By Douglas E. Friedman

CONSTITUTIONAL GUARANTEES ARE MISUNDERSTOOD

Recently a sign has appeared on the bumpers of automobiles and pick-up trucks which proclaims — "Register Communists — Not Guns." Aside from the issue of gun registration which in itself is worthy of a full comment, this sign demonstrates a type of thinking which evidences a general lack of understanding prevalent in some circles as to the meaning of our constitutional guarantees which protect individual liberties.

The first part of the sign, namely the part about registering Communists, refers to the United States Supreme Court decision in *Albertson v. Subversive Activities Control Board*, 382 U.S. 70 (1965). In that case the Subversive Activities Control Board granted orders requested by the Attorney General requiring the petitioners to register as individual members of the Communist Party. A unanimous Court held that the orders requiring registration violated the petitioners' rights against self-incrimination under the Fifth Amendment to the United States Constitution. This was so because had the petitioners registered as members of the Communist Party, at that time, they would have been subject to prosecution under the membership clause of the Smith Act.

The Court also said that even mere association with the Communist Party presents a sufficient threat of prosecution to support a claim of privilege. Of course, after this holding became known to the general public, cries immediately arose that the Court was once again coddling Communists and chipping away at the free world's chances for survival against the Communist menace.

The purpose for setting out this reason for the holding in the *Albertson* case is to illustrate the dichotomy which the reaction to this case has revealed (although this is by no means the first time that this dichotomy has been revealed). The critics said that any decision which in any way aided the Communist cause was obviously a bad one. The Court was allowing Communists to hide behind the shield of the Fifth Amendment.

It must be remembered, however, that the Fifth Amendment, while it may offer protection to some "undesirable" elements, extends its safeguards to all without regard for politics (or lack of them for that matter). But some say that a different rule should be adopted when dealing with Communists. This points up one of the major inconsistencies in the thinking of those who oppose rulings such as *Albertson*.

The constitutional rights of due process, right to counsel, right against unlawful searches and seizures, etc. are fine, except when they benefit the wrong people. How is it decided who are the wrong people? Can we say that since Communists are thought to be no good, we can therefore suspend these rights where they are involved?

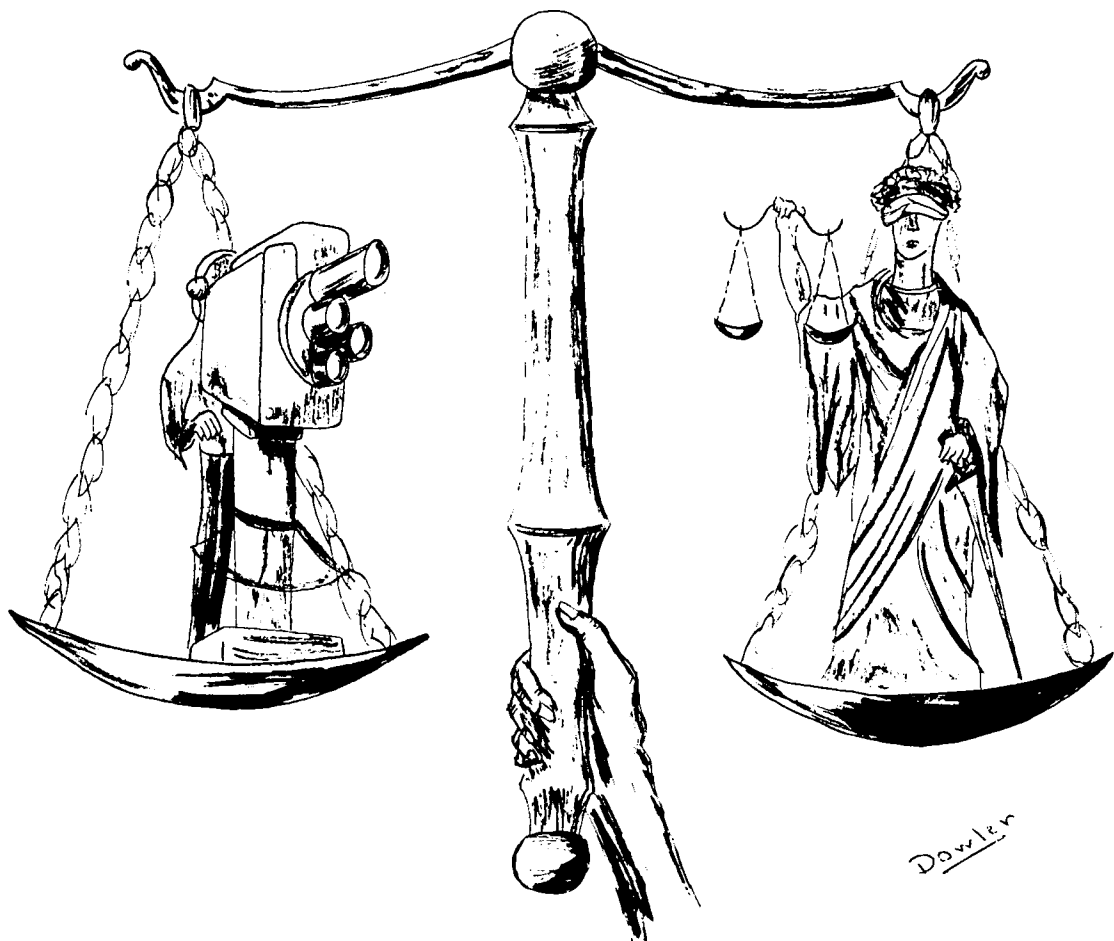
This, of course, is the same type of thinking that prevailed in the old days of the West in the lynch mobs. We know he's guilty . . . why wait for a trial . . . let's string him up now. In the movies the hero usually happened along at about this time and put a bullet through the rope and saved the innocent man from the gallows. I am quite sure that what really happened in those days was that the man was hanged. It is not that easy to put a bullet through a rope while riding at a full gallop. The Constitution was designed to prevent this type of occurrence, and if some guilty persons are set free as a result of these protective measures, this is better than a society dominated by "lynch mob" judgments.

Another example of this inconsistent type of thinking is in the desire of some Americans to ban demonstrations and protests against the war in Viet Nam. It should be made clear, however, that the type of demonstration referred to herein is not of the kind where troop trains and supply vehicles are interfered with. This type of activity is condemned by the great majority of even those who oppose the war. But what of peaceful demonstrations?

CBS News in one of their "testing" programs aired last Spring claimed that over 60 percent of the people interviewed (supposedly a cross-section) were in favor of suppressing peaceful demonstrations of any type against the war in Viet Nam. Think about it for a moment: suppression of an opposing point of view on a foreign policy matter that greatly affects the lives of all citizens.

Are we not fighting over there to free South Viet Nam

(Continued on Page 6, Col. 1)



THE BALANCE OF JUSTICE

STUDENT'S VIEWS:

RED CHINA & VIETNAM

By Jerry Cox

Editor's Note: In the past The Docket has invited students to express their views. The following is the first reply to our request. Although the views stated do not represent those of The Docket nor of the school, we do endorse the policy of individual expression and hope that in the future other students will submit their opinions.

Present and future events in Vietnam depend primarily on our expectations of Soviet and Red Chinese reaction to our military programs. The present concern with their possible active intervention precludes the large scale escalation which could end the war.

The lack of argument that the Soviet Union would intervene, and the volume of argument that it would not risk the danger of confrontation with the American armed forces support the conclusion that the possibility of active Soviet intervention is negligible. Moreover, the Soviet Union will not hinder the chances for a closer relationship with the United States, which it seeks by its own recent declaration, because of the increase of our mutual interests.

The possibility of intervention by Red China is higher, but is still low. Red China's denunciation of the United States as a "paper tiger" and many promises to the North Vietnamese to intervene in case of increased American activities emphasize the ability and willingness of the Red Chinese to enter the conflict.

The burden of supply lines through the most rugged and sparsely-populated section of China and the cost of large military operations, which China cannot afford without substantial damage to its troubled economy, point out the fact that China has more inability than ability to begin the bellicose trek which would bring the probability of American retaliation to the homeland. The retention of the great horde at home has been so successful in limiting the extent of American bombing in North Vietnam which enables Hanoi to fight

people, and the ability and willingness to enter international relations and discharge the duties of those relations.

its war at little national expense that there is no willingness or reason to change strategy.

China will not lose the psychological advantage of the constant "possibility" of large scale intervention unless it is clearly in the national interest; and any national interest in defending North Vietnamese aggression against counter-attack is speculative. Satisfaction with the results of its "stay-at-home" policy will prevent Red Chinese intervention unless the homeland is endangered, because any possible advantage from Chinese participation in Vietnam is outweighed by the cost and risk in unnecessary intervention. Therefore, any military program which can terminate the war without endangering the Chinese territory, could be executed without fear of Chinese intervention.

A change in our diplomatic policy toward Red China would facilitate the keeping of our commitment in Vietnam by reducing the "possibility" of intervention and would promote peace between the East and the West by the interchange between the United States and Red China. Red China is entitled to recognition according to the defacato test used by the State Department and which requires that a government have control of the administrative machinery, the general acquiescence of the

Our obstruction policy which is being rendered obsolete by the test of history should be changed in order that we reap the benefits of having finally encouraged the admission. The reasons set forth for the initial adoption of the present policy relating to the protection of Taiwan and a possible invasion of the mainland no longer support that policy. Taiwan can be protected as well with, as without the admission; and the Red Chinese absence is of singular benefit to the Chang-Kai-Shek family which thrives on the fiction of an invasion of the homeland.

Pope Paul was correct in appealing for Red Chinese presence at the table of nations. The psychology of Red China that it is not bound by the law of nations because it is not regarded as a nation can be changed to that of a dissenting member. We have less to fear from the haranges in the United Nations of a Red Chinese Ambassador than we do from the absence of contact with them.

The hostility of isolation will not yield to the desire for peace until peace is known to be in their best national interest. This knowledge would be a by-product of interchange. The presence in this country of a Red Chinese diplomatic mission and possible businessmen, contingent is a minimal danger

(Continued on Page 5, Col. 1)

Judgment on the Merits Turkish Criminal Procedure Is Evaluated by an Alumnus

By Michael Goss

LAW PREVENTING 'LOVERS' MARRIAGE IS QUESTIONED

The firm in which this writer clerked this summer, advised a client that he could not marry the girl with whom he was in love if he wanted to be domiciled in Pennsylvania. The reason for this is an archaic Pennsylvania law which provides "no license to marry shall be issued by any clerk of the orphan's court to a person divorced by his or her former spouse on the grounds of adultery, during the lifetime of the former husband or wife." 48 P.S. 1-5h (1953). This provision is self-executing even if the divorce decree does not forbid such marriage.

The effect of the law is pervasive. Pennsylvania does not give full faith and credit to the marriage between the defendant and the co-respondent even if the marriage is contracted in another state. A marriage contracted in violation of this provision is void. In *Stull's Estate*, 183 Pa. 625 (1898), in which the defendant and the co-respondent did marry despite a similar statutory impediment, the court denied the wife's application for letters of administration of the estate of her dead spouse. Also, if the parties cohabit, they are guilty of fornication.

There are three reasons advanced for the existence of such a provision. It is felt that if such a marriage were permitted, the sensibilities of the former spouse would be wounded. It is also asserted that public decency is offended by such a marriage. Finally, it is posited that the statute deters adultery because if a spouse loves someone else he will not commit adultery with that person, because in the event of a divorce he will not be permitted to marry the paramour.

It is doubtful that the former spouse truly cares whether there is a liaison with the co-respondent after the divorce as long as the husband meets his obligations to her, i.e., support. Even if she cares, she has by the dissolution of the marriage lost her claim to her former husband's private life. She has lost all interest in his life except that which will insure his legal obligations to her.

As to the argument that public decency is offended, this is also doubtful. This writer does not condone adultery, but it is of frequent occurrence in modern times. Not only that, but people are becoming more liberal in their attitude towards sex. It would seem that the public welfare is best furthered, not by forbidding the marriage, but by allowing two people who have chosen to deviate from the social norm to form a permanent union.

In answer to the deterrence argument, it cannot be said that this statute has any deterrent effect because not many people know of it and if they did, the statute has no more of a deterrent effect than the death penalty does to murder.

There are numerous reasons that this statute should be repealed. The first reason is that since the statute punishes the act of adultery, which fact is decided by a civil court in the divorce action, without any of the rights afforded at a criminal proceeding, it is of dubious constitutionality.

Secondly, the statute deters legitimizing the children born of the paramour, because, but for the statute, there might have been a marriage which would have legitimized the child. Third, it is keeping two people apart who love each other enough to break their marriage vows. And fourth, the parties might innocently marry not knowing of the statute and cohabit the remainder of their lives. A spouse can live with a man who she thinks is her lawful husband and then discover that she cannot inherit his estate under the intestacy laws.

A far better solution, I believe, is that offered by the Proposed Marriage and Divorce Code for Pennsylvania promulgated by the Joint State Government Commission in 1961. This proposal would remove the legal barricades to such marriages which exist under the present law. This offers a much more satisfactory and realistic solution to the problem, and should be evaluated by the legislature of Pennsylvania.

The criminal law and procedure in Turkey is essentially the same as you would find in a civil law as opposed to a common law system.

The easiest way to anecdote about Turkey is to categorize various parts of the criminal system.

Judges and Courtrooms

Judges go to school to be judges and lawyers to be lawyers. Sometimes they switch but not too often. A judge is a civil servant subject to the fiat of the state government. They start off in the provinces, and as they mature they get promoted to the cities. There are both male and female judges.

The courtrooms are usually quite filthy, but justice generally prevails. There are no juries, the judge decides all cases. The record is dictated by the judge to a clerk who pecks away with two fingers. (I never saw the touch system used; shorthand, etc. is unheard of).

Another traumatizing facet of the proceedings is that the same judge sometimes doesn't hear the whole case. Let me back-track a little here, there's not one trial as we know it, but a series of hearings. These hearings are often quite brief and they extend over many months. Often times the G.I. in trouble has to stay in Turkey far past his normal rotation date. The thought of different judges, who in effect act as jurors, taking and dictating what they heard as evidence, is something that is probably unacceptable to most American lawyers but Turkish counsel, having lived with it, don't seem to get upset.

I'd like to tell a story about an individual judge, before I pass on to crimes. There was a female judge who sat in what would be the equivalent of the County Court of Phila. She didn't like Americans and anytime one of our boys had to appear before her I was pretty sure he'd spend some time in jail.

One airman had a scuffle with his girl friend, who was a prostitute, and then with the police. We were successful in getting the charges reduced to simple assault on the girl but we got the bad judge. The prostitute met us in the courthouse on the day of the final hearing and said she had interceded with the judge and the judge told her the airman would be released. I felt tainted love had won the day, but when the sentence came it was the maximum for the offense, so "justice" prevailed.

Crimes and Criminals

Prostitution is partially controlled in Turkey by segregating the fallen ladies into an area called the "compound." In the town where I was stationed the compound was located on a cul-de-sac of pastel painted houses. There was a guard at the entrance who searched the prospective clients for weapons, etc.

Frequently our boys would be arrested for having knives in their

possession. Some of the defenses in these cases were, "I just bought the knife as a souvenir," "I'm required to carry it as part of my equipment," "It's customary to carry knives in your socks," "I found it on the ground just as I came up to the guard," etc.

The girls who work at the compound are purportedly "free" to leave but in reality, one who practices as a free agent in the city is given the choice of jail or the compound. Needless to say the fellows who were stopped with knives were only going to see the pastel paint job. As part of my preventive law program I would lecture the troops and strongly recommend against a visit to the compound, but knowing human nature I always finished with . . . "if you must, leave your knives at the base."

Automobiles caused me the most trouble in Turkey for several reasons; bad roads, bad drivers, no law enforcement and because a simple auto accident was a crime! One old wives tale was that if an American woman had an accident she was sent to the compound.

Generally the Americans received a suspended sentence but it usually took from 12 to 18 months for that result. Meanwhile the G.I. was on pins and needles about ever getting out of Turkey.

Another unusual crime was an insult. The propensity we Americans have for acting superior, the language barrier and Turkish pride often resulted in a criminal action. The punishment was in the misdemeanor class and usually we settled the case with an apology and possibly some nominal compensation.

Although disrespect for the flag is a crime in the U.S. it is a much more serious crime in Turkey, carrying a 3 year maximum sentence. Just after the Cyprus crisis had disappeared, due to American political intervention, the Turkish base commander informed us that someone had taken the Turkish flag from outside his headquarters. Clandestine inquiries were started by the Americans but less than 24 hours later a second flag had been purloined. At this point the American commander started a massive search and two airman who were temporarily assigned to the base came forward with the flags.

Their "alibi" was that they had taken the first flag for their commander to present to him on their return to the U.S., and since no great hue and cry went up after taking the first, they took a second one for themselves.

The Turkish base commander, who I thought was quite fair, accepted the return of the flags and on assurances that the boys would be punished, did not notify the local civil authorities. Prior to deciding what to do he had asked whether the airman were of Greek origin. Luckily they weren't.

Jails and Jailers

The local jail was of newer construction than the now defunct "Moko" of Philadelphia but the amenities were about the equivalent.

Some of the food was provided by the jail but the bulk of it was brought to the prisoners by friends and family. We fed our own prisoners. One familiar scene was the slicing and sniffing of melons to make sure they weren't spiked.

Our fellows were kept with the political prisoners in a better section of the jail. They usually adjusted pretty well and frequently started classes in English. I had one of the more literate prisoners write up a guide to living in jail. Since this might seem a bit silly, let me say that the Turks are almost exclusively Moslem and they have extremely peculiar dining and bath habits that they expect the Americans to respect. The guide got our boys off on the right foot.

Lawyers

The Turkish lawyer is just as imaginative as the American but the civil law system makes his role one of a pleader for mercy rather than a combatant in an adversary proceeding. The judges, somewhat like Judge Bonnelly of the Philadelphia County Court, do most of the questioning. If a lawyer wants to cross examine a witness he must first ask the judge the question and if the judge wants to, he asks the witness. This tends to eliminate the element of surprise!

The Turkish equivalent of the District Attorney keeps the judge honest by suggesting the proper law, etc., but his main function, like the defense lawyer, is to sum up on behalf of his client—the public.

You would that was written above you all probably conclude that I'd prefer to be tried under our system. Well, maybe I would, but from my experience I can say that overall the American G.I. received less punishment at the hands of the Turks than he would have if he was tried by us for the same offense.

Law Brides Hear Prof. Frankino

Steven P. Frankino, professor of law at Villanova School of Law, spoke on "How to be a Good Law Wife" at the first meeting of the Barristers' Brides this semester.

During the business meeting, a statement of purpose was adopted.

It was announced that two new programs of the organization have proved successful, they are: the sponsorship committee, headed by Jean Steigerwald, and the housing committee, headed by Marilyn Toole, club president.

other members, and because trade—which is more in her interest than war—is not promoted by hostility, we should extend recognition and approve admission to the United Nations because such actions would promote peace and thus further our national interest.

(Continued from Page 4)
ity of the capitalistic way of life compared to risks of continued non-contact.

The individual exposure to the lies of Communism by those traveling to Western nations would be multiplied by their reports upon return to Red China. The knowledge of Western strength and the valid-

ity of the capitalistic way of life would result in a desire for co-existence which in turn would reduce the "possibility" of a Chinese-American confrontation in Vietnam.

Although these interactions will not quickly evolve, we expect to be

in Vietnam for several years. During that time we should not hesitate to pursue any policy which would bring not only an acceptable solution to the Southeast Asian problem but also closer contact between Red China and the West.

Respectful membership in any

organization requires responsibility, Red China's responsibility would be to prevent an in-hand situation from getting out of control. This responsibility would be fulfilled by the convenient "stay-at-home" policy. Since Red China would desire a membership in which she is held in esteem by

American Affairs Club Hears Professor Collins

J. Edward Collins, professor of law at Villanova, inaugurated the 1966-67 program of the American Affairs Discussion Club with a talk on "Hypnosis and the Law."

Jerry Cox, club president, has announced that in the near future Professor William Valente will speak about the Girard College case. Valente has been closely associated with the case since its inception.

Topics were suggested by club members, and the board, composed of Jerry Cox, '67, Ed Toole, '67, Bart Pasternak, '67, Jack Donohue, '67, Steve Rosen, '68, and John Roberts, '68, have taken the topics under advisement.

The board and members would like to extend an invitation to the entire student body and to all interested alumni.

Non Obstante Veredicto

(Continued from Page 4)

from the oppression of Communism — a system which allows for precious little dissent? Is not the suppression of opposing points of view against everything for which this country stands, and is not this exactly what the free world is trying to preserve? The First Amendment guarantees to all freedom of speech and assembly. These rights are not absolute but orderly demonstrations or marches certainly fall within the amendment's protection.

The main thing which distinguishes our system from that of the Communists, aside from the obvious economic differences, is that our system provides its citizens with predictable justice — due process of the law must be followed. Doubts are resolved against the state. If we are to begin to deny this due process to certain selected groups, then the time is not far off when we will not be so selective, and then where is the difference?

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Order of Coif

(Continued from Page 2)

Thomas C. Siekman, Joseph A. Tate, Thomas J. Tomalis, Thomas J. Tumola, and Richard A. Wilmans.

Recognition of meritorious service was given to the officers of the Student Bar Assn. They were Paul X. McMenaman, president; John J. D'Lauro, III, vice-president and secretary; and Charles W. Heuisler, treasurer. The members of the Honor Board, Joseph A. Tate, chairman; Nino V. Tinari, and Philip M. Gilligan; the Inter-Club Council, Joseph C. Kelly, president, John F. Dougherty Jr., vice-president, and Charles S. Vondercrone Jr., secretary-treasurer; and The Villanova Docket, Paul H. Ostien Jr., editor-in-chief, also received recognition.

The graduates of the School of Law gathered with the faculty, their families and guests at Garey Hall for the Annual Class Day the day before graduation. Awards and prizes for service to the school were announced and the graduates presented their gift to the University.

The gift consisted of funds inaugurating a scholarship in the School of Law in memory of the late Richard A. Wilmans, a member of the Class of 1966. The Reverend Joseph A. Flaherty, O.S.A., the President of the University accepted the gift.

A Baccalaureate Mass was celebrated in the morning before graduation.

Letter Grades

(Continued from Page 3)

One of the biggest changes is that a student's marks will be computed every year and he or she must have a certain average for that year to pass on to the next year. Under the old system the average needed to advance to the next year was a weighted average of all courses taken in law school.

William Valente Completes First Year on Law Faculty

Professor William A. Valente, a former editor-in-chief of the University of Pennsylvania Law Review and a member of the Order of the Coif, has joined the law school faculty this past year.

He was graduated Phi Beta Kappa from the University of Pennsylvania in 1947 receiving a B.A. in history and stayed on at Penn to receive his L.L.B. from the Penn law school. He is a member of the Pennsylvania Bar and serves on the Civil Rights Committee and the Committee for Constitutional Reform of the Philadelphia Bar Assn.

Prof. Valente has the advantage of many years of experience, both in private practice and as Assistant City Solicitor of Philadelphia. He has also had years of trial experience in the regulatory and business fields and is thus able to impart the difficulties that the law student will face when he handles trial litigation.

Prof. Valente taught contracts and a seminar on the First Amendment rights during his first year at Villanova. In connection with the First Amendment seminar, Valente has always had an interest in constitutional law, especially in the areas of civil rights and punishment of mentally deficient criminals. He has filed a brief amicus curiae in the Girard College Case.

Valente feels that the law student should take humanities, economics, and social sciences in undergraduate school in order to best prepare for law school, since this makes the individual aware of the system in which the law functions, and of his social responsibility. He also feels that the law student should take basic accounting before he comes to law school since a lawyer cannot best serve his client's legal problems without some realization of the financial ramifications.

Valente feels the law student must realize that he will be confronted with certain adjustments when he goes into practice. He will find in his first few years of "legal internship" that practice is different than much of the theoretical knowledge obtained in law school. To help the student make an easier adjustment, Valente offers a course in Legal Process, which deals with some of the problems faced in practice.

Secondly, the law student must realize that law is increasingly becoming a specialty, especially in



W. A. Valente

urban areas, due to the complexity of law and the difficulty of keeping up to date in every area of the law.

The third thing the law student must realize is that as part of his professional responsibilities he should be civic minded and be involved in public service, rather than merely being a "fee-getter." It is the job of the lawyer to meet people and to exercise leadership in the community and to be involved in politics, whether it be elected or appointed.

To help augment this spirit of civic-mindedness, Valente will offer a course in local government this spring in which the present problems and present personalities in Philadelphia and Pennsylvania governments will be covered. As a part of this course, there will be introductions to many of the people who help run these governments, such as the mayor and city commissioners. It is hoped that an intern program can be developed whereby the students in the course will actually serve in various legal departments in the city government.

Moot Court

(Continued from Page 1)

quire members of the same team to be either both independent or both members of the same club.

The Reimel competition, open to second and third year students is also affected by the club system change. Competition will no longer be intra-club to select a representative team for the inter-club rounds, but will immediately be held on an inter-club basis. Thus, each team will have to endure the same number of rounds in order to reach the finals.

Moot Court participants will be awarded one academic credit.

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