ALUMNI AID SOUGHT FOR PRIVATE EDUCATION

PUBLIC SCHOOL EMPHASIS COULD BE DETRIMENTAL

ORDER OF COIF HOLDS DINNER, INDUCTS SEVEN

Alumni Assn. Selects Class Representatives

Alumni Party Set

Princeton Prof. To Address Forum
From the Dean's Desk

As I See It

By HAROLD GILL BRUSCHELIN

I write this the day following our Red Mass. It was a particularly beautiful Mass this year. As one of our priests put it: "It was the most beautiful ceremonial I have ever witnessed at Villanova." Villanova's good friend, Bishop McDevitt celebrated the Pontifical Mass and Father Theophile Gellatly, Provincial of the Holy Ghost Fathers and former president of Duquesne preached a memorable sermon, which we shall print and distribute.

Father Flaherty, our presi­dent, served as Archpriest and our Augustinian Provincial, Father Sherman, attended. The ceremony was sung with the Mass magnificently and beautifully. We are grateful to Father Halphen for his meticulous care in arranging every detail of the ceremonies, both liturgical and pastoral.

It is gratifying to report that almost all 1965 alumni re­turned for the Red Mass.

Many of their wives accompanied them. Well over 100 re­mained for the reception and buffet at Garey Hall following the Mass.

Our alumni will be interested to hear that a faculty committee composed of Professor Abraham, as chairman, and Professors Cleary '59, Frankino and O'Brien are engaged in a comprehensive study of the curriculum. An initial proposal of the committee for a required seminar program has been adopted by the faculty on the theory that every student will benefit by the unique and valuable educational experience to be gained from a seminar.

It is contemplated that within two years the completion of one seminar with a required paper will be prerequisite for graduation. In furtherance of this policy, five elective seminars are being offered this year.

The curriculum has been generously enriched by the addition of three new elective courses: Legal Process, Local Government and Remedies and by five seminars: Advanced Problems in Taxation, Criminal Law and Psychiatry, Frontiers of Constitutional Law, Post-Conviction Problems and Public Contracts.

Professor Collins has this fall been experimenting with a series of trial practice sessions which he designates as "Trial Practice Happenings." The theory is to give those members of the third year class who wish to participate an opportunity to gain clinical experience in the representation of witness­es for trial, to open before juries, and to examine and cross-examine parties, witnesses and experts.

In the course of the program films and phonograph records have been utilized as well as assigned readings. Over the ten two-hour sessions, each neophyte attorney will have had an opportunity to actively engage in some phases of trial work in five or six occasions. Most sessions have been conducted before juries of students and outsiders.

Participants have included actors from the Department of Theatre who staged an unended incident in the class­room to demonstrate the unreliability of a witness's memory, a professor from the College of Engineering testifying as an expert on the effect of chains as a deterrent to skidding on icy roads, a retired chain store manager as the representative of a supermarket being sued by a customer as a result of a icy roads, a retired chain store manager as the representative of a supermarket being sued by a customer as a result of a 11th floor, Land Title Building, Philadelphia, Pa. 19110; Patrick J. Cox, Esq., '64, 43 East Market Street, West Chester, furnished the students with information on the role and life of a lawyer in a small suburban county.

The Plan proposes a Commonwealth System of Higher Education composed of three segments: community colleges; state colleges; and Commonwealth universities (Penn State, Temple and Pitts­burgh). The Plan would give only limited aid to private institutions by means of an increased student scholarship and loan program; partial grants for construction; subsidies for graduate education; and fellowships for future college teachers.

Of course, scholarship funds cannot be used at state institutions, inasmuch as tuition does not cover the actual cost of educating a student. Also, this does not deny financial aid to private institutions, since the scholar­ship funds can also be used at state aided schools. And, if the student uses the scholarship funds at a state aided institution, in effect there is a double subsidy because of the lower tuition already made possible at the state supported school by public grants.

For example, the tuition in the liberal arts college at Villanova University is X - Y dollars, but only X dollars at Temple Univer­sity. Thus, as a practical matter, scholarship funds in most cases will not provide a student's free­dom of choice between state related and private colleges, as economic conditions will frequently dictate that a student use his scholarship funds at the school with the lower tuition, thereby reducing the amount of his personal outlay.

A fellowship proposal to develop future college teachers is proposed by the Plan. However, the fellowships would carry whole tuition at any private institu­tion. The tendency for fellows to favor state related schools would
Social-Light

Our esteemed alumni are making sure that Villanova Law School will have plenty of applicants in the future. Vice Halley, '59, who has been fortunate enough to have six beautiful children, was blessed with a seventh on Sunday, October 23, 1966. He and his wife gave birth to a girl, Joyce Renee, on November 24, 1966. As for Mr. Gross, his department, and of the various welfare agencies throughout the country.

The Hughes-White Law Club finished third with their A team having 3-4-1 for a total of fourteen points. The final outcome, as announced by athletic chairman Ray Letulle, was Ives-Cardoza A with a record of 3-2-1 and the B team with 1-4-1 for a total of eight points.

The Hughes-White Law Club finished third with their A team having 3-4-1 for a total of fourteen points. The final outcome, as announced by athletic chairman Ray Letulle, was Ives-Cardoza A with a record of 3-2-1 and the B team with 1-4-1 for a total of eight points.

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Students' Wives

Hear Decorator

Mrs. Polly Riggs, a prominent Main Line lady, was selected at a meeting of the Harriton-Ridley Club on the importance of color in the home. She illustrated various techniques for designing walls and rugs which she brought with her.

During the business meeting, Ann Kibler was elected historian. Miss Kibler, a member of the committee, will permanently record all this year's events and activities.
THE PATHFINDER

Non Obstante Veredicto
By Douglas E. Friedman

ALCOHOLICS—CRUEL AND UNUSUAL PUNISHMENT

A short time ago the United States Supreme Court denied certiorari in the case of Buddha v. California, 380 U.S. 660 (1966). The petitioner in that case was seeking a review of the denial by the California Supreme Court of his attempt to obtain a writ of habeas corpus. Budd had been convicted in a criminal proceeding under the state penal code for public drunkenness.

Budd, 56, had been arrested approximately 40 times for drunkenness. In his trial there was expert testimony which established that he is an “alcoholic” and not just a drunk. Yet, despite this, he was still adjudicated a criminal.

Mr. Justice Fortas dissented from the denial of certiorari and Mr. Justice Douglas joined in the dissent. They wanted the Court to decide the question of whether the treatment of an alcoholic as a criminal is cruel and unusual punishment and therefore prohibited by the Eighth Amendment.

Robinson v. California, 370 U.S. 660 (1962), involved a criminal conviction for the crime of being a narcotics addict. The Court held that it was cruel and unusual punishment to convict someone for such a crime. The reason for the decision was that narcotics addiction is a sickness and the fact that the addict has no volition over his acts makes it impossible for such acts to be considered criminal consistent with the Eighth Amendment.

Two circuit courts have recently considered the problem of alcoholics and the Eighth Amendment in light of the Robinson case. In Driver v. Hinnant, 356 F.2d 761 (4th Cir. 1966), it was held that an alcoholic could not be criminally convicted and sentenced for public drunkenness. The court cited Robinson and applied analogous reasoning in deciding that since the defendant’s acts were not of his volition that it would be cruel and unusual punishment to treat him as a criminal.

Citing both Robinson and Driver, the court in Easter v. District of Columbia, 361 F.2d 56 (D.C. Cir. 1966), overruled a conviction for public intoxication. Easter had, however, an additional factor involved. Under the D.C. Code, Section 24-501 (1961 ed.), a court is empowered to take judicial notice of the fact that an alcoholic is a sick person and the court may direct that he be referred to the appropriate medical, psychiatric or other treatment. With this statutory recognition of alcoholism as a sickness it was unnecessary for the Easter court to rely on the Eighth Amendment but it nonetheless did make such an argument in support of its decision. The result was, however, that the decision was originally by choice irrelevant. They said that a sick person is still sick even though he may have exposed himself to the illness.

Why then, in the fact of Robinson, did the Court refuse to grant the petition in the seemingly analogous situation presented by Budd? One possibility is the procedural difficulties that were involved. Rather than appealing his conviction directly, Budd attempted to get released on a writ of habeas corpus. However, Mr. Justice Fortas stated that since the California Supreme Court had the power to review the denial of the writ, so then did the Supreme Court of the United States even though the conviction was not directly appealed all the way through the California courts.

Are there any real differences between the alcoholic and the addict which would dictate a different result in a case involving an alcoholic than that reached in Robinson? It would seem that the most obvious answer is the period of introduction, the party loses control of his ability to accept or reject the drug or drink. In the case of the alcoholic this period will be longer, but the end result is the same and that is what we are concerned with. The end condition is that at the time of trial and not how long it took him to acquire that condition. It is hoped that before long the Court will decide this issue and that it will be decided that treatment of alcoholics as criminals is indeed cruel and unusual punishment.

In his Robinson concurrence Mr. Justice Douglas recalls the treatment of the mentally ill before the great reforms in that field. One of the favorite remedies for mental illness was to put the patient until he has regained his reason. The Justice’s comments bring to mind the possibility that before long the Robinson line of reasoning may be applied to cases in which the defendant is mentally ill (medically) but

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Judgment on the Merits
(Continued from Page 1)

Revenue Code of 1954 treats the amount spent for organizing a corporation as a deferred expense and allows a deduction thereafter over a period of not less than 60 months. A provision analogous to Section 248 would be a reasonable way of resolving this difficult situation.

Another possibility is to enact an exception to Section 126 of the Int. rev. Code of 1954 and allow a deduction for education expenditures incurred for a future trade or business. However, this would principally benefit people presently employed and would be of little value to people not employed as they would have no income from which to deduct the cost. Since the single student employed for the summer has little income, it would be of nominal value to him. Possibly, this inequity could be handled by permitting the one entitled to a deduction for the student (usually his parents) to take the educational expense deduction.

The last alternative would be a new, liberalized Treasury Regulation recognizing that at least at the professional school level a student has already entered a trade or business and is immediately entitled to a Section 126 deduction. This alternative, also, would mainly benefit those presently employed.

In summary, we feel there is a necessity created by modern educational demands to change the existing tax law and allow broader education deductions.

Correction:

The statute in this column last time should have read—

"... no license to marry shall be issued by any clerk of the orphans' court to a person divorced by his or her former spouse on the grounds of adultery, for the marriage of such person to the person with whom the crime of adultery was committed, during the lifetime of the former husband or wife." 48 P. S. 1-5h (1953):

Alumni Aid Sought
(Continued From Page 2)

The Plan’s proposals for extensive aid to state related schools, with no effective assistance to private schools, must result in increased competition between the two systems for faculties, students and physical plants. Only the schools in the Commonwealth System are sure to have the funds necessary to survive the competition.

The students, alumni and friends of private schools throughout the Commonwealth must take an active interest in supporting changes in the Master Plan which will recognize and continue the important position of private education as a part of the dual system of higher education in Pennsylvania, and that they should make their views known to their representatives in Harrisburg.

This article touched upon some of the inequities which would fall upon private institutions unless the Master Plan is implemented by the legislature. The Law Alumni Association intends to mail to its members further information concerning the Plan and affirmative proposals to improve the Plan.

RECALLS ‘KENNEDY ERA’
(Continued From Page 5)

for self; for, man has no new worlds to discover except himself. Kennedy gave many Americans the thirst to look at themselves and find their place in a nation. Each American can assert a tremendous influence and effect upon the future course of his country. If he is an American who appreciates the principles of democracy, then that influence will be in the defense of freedom. If he is really concerned “of where” his country is going, he will establish the highest goals as sites to attain. Thus Kennedy’s “New Frontier” was envisioned as a Nation of enlightened Americans who proved of what they represented and inspired by what they hoped to become. But it should be stressed that Kennedy would not have wished that the enlightened American depend on another man for his inspiration rather than upon the contents of the message offered.

Kennedy’s words should be given greater emphasis, not as historical epilogue, but as a living reminder, a constant reminder, of the better tomorrow which will surely be “a time for great deeds.” These goals and that he held so ardently could not die merely because he has died; those beliefs should not fall merely because we have failed to carry on without him. He is not here to inspire us, but his words can guide us along the dark path of national uncertainty, frustration, and insecurity.

Let the eternal light at his grave be our pharos—a beacon, symbolic of the efforts expended for the protection or promotion of the American principles of unity, justice, democratic tranquility, the common sense, the general welfare, liberty, and Constitutionalism. If we shall but defend those ideals, that light shall shine brightly. As Kennedy stated in his Inaugural Address on January 20, 1961:

“And the torches gave us light. And tomorrow we shall live for this. And tomorrow, and tomorrow, until the last Sleeper awakes. And the light shall shine brightly. As Kennedy stated in his Inaugural Address on January 20, 1961:

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Non Obstante Veredicto
(Continued From Page 3)

Upcoming Events

• THE VILLANOVA DOCKET
DECEMBER, 1966

UPCOMING EVENTS

2—Friday—Law Forum, Dr. Paul E. Sigmund will speak on “The Ideologies of Developing Nations,” 8:30 p.m., Garney Hall.

17—Saturday—Alumni Christmas Party, 9 p.m., Garney Hall.

February

2—Thursday—Law Forum, The Honorable Joseph D. Tydings will speak on “The National Judicial Relief Act,” 8:30 p.m., Garney Hall.

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Non Obstante Veredicto
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where the law? becomes a very decisive factor.

Pater Gallagher then asked, "How will we answer that question? Will we merely reflect in our answers the fads of the period, sugar-coated to smooth down our personal and almost non-existent God; or will we answer with courage and strength, and accept the challenge by preserving our traditions and beliefs. The choice is ours; and our answer will be determined not by what we, as lawyers, do, but by what we, as lawyers, do.

At the conclusion of the Mass, the celebrants returned to the law school as the guests of honor at a reception which was attended by the faculty, alumni, Board of Trustees, and friends of the Dean.

American Affairs
(Continued From Page 2)

Vietnam, it would be of no great benefit to the economy. Unlike the situation during World War II, we are presently operating much closer to capacity; and there is no great untapped demand for consumer products. In World War II, our entire economy was geared for war production. And whereas the war has not cut consumer production and has no effects on the American worker, the Vietnam War has cut consumer production and has created a black market. Yet, perhaps even more significant will be the effects of a long, drawn-out conflict which will increase the velocity of the present drain on the economy.

With economic and hard answers to questions, Livingstone also discussed areas such as national security. He was critical of the Common Market, and increased competition.

Mr. Jesse Clark, chairman of the Archbishop’s Economic Opportunity Program of Philadelphia, was the guest speaker at a previous club meeting. Mr. Clark was here to take a “Look at the Great Society in the City of Philadelphia.” He was invited to P.A.C. (Philadelphia Anti-Poverty Council), which is concerned with programs designed to overcome poverty.

One of the early flaws in the “Great Society” programs was that poverty and misery had been decreased in Philadelphia. The people that the program was designed to help had not been helped. In 15 to 16 months time, they would no longer be poor. For them, the Great Society’s "cure-all" was to be an instant cure-all.

This disastrous beginning, and the consequences which followed have been adjusted; and now that the programs and their goals are better understood, the people are returning with renewed confidence and hope.

The basic idea of the program is one of self-help. Organizations such as Job Corps and N.Y.C. (Neighborhood Youth Corps) attempt to get the poor to do something for themselves, to develop skills and the confidence that is well beyond mere relief, They focus on finding work or creating jobs which, with some training, can be easily mastered. In this way, the people making the poor and jobless feel that they are needed, wanted and understood are achieved.

The major problem in this area is lack of funds. There are now 86 agencies in the area seeking funds for the programs.