Annual Red Mass Celebrated

The Votive Mass of the Holy Spirit, traditionally known as the Red Mass, is offered each year to invoke the Divine Blessing upon the School of Law and upon all who study and teach therein.

The Mass was celebrated this year by the Most Reverend John J. Graham, V.G., Auxiliary Bishop of Philadelphia.

1968 Annual Alumni Giving Drive Begins

The 1968 Annual Giving drive is now upon us. Edwin Scott '63, this year's chairman has begun the solicitation. He hopes to better the fine mark set by the Alumni under Clark Hodgson's leadership in 1967 of over 87 percent participation. Ed announces that once again those contributors giving over $100 will be eligible for the University's President's Club and that the law school's own Gavel Club is open to those subscribers of $50.

Each year the Villanova Singers under the direction of Herbert Fias (Continued on Page 2, Col. 1)

New Buildings in Sight

Dean Reuschlein recently announced that the Summer of 1968 will mark the groundbreaking for an addition to Garey Hall, and a new student residence hall. The addition includes plans for an increase in the library to one-third its present size. The reading room, as well as the upper and lower stacks will be extended southward onto the rear parking lot. A portion of the new stack space will be devoted to special functions which cannot be performed under present circumstances.

A two-story annex will extend some distance southward from the Reimel Moot Court Room, and after forming a ninety-degree angle, will then project eastward onto the parking lot. A corridor which will be constructed along the east wall of the Reimel Moot Court Room will serve to connect the south wing of Garey Hall with the Annex.

The homily was delivered by the Reverend John J. Coffey, O.S.A., President of the University; Father Philip P. Barrett, O.S.A., Dean of the College of Commerce and Finance; and Father Donald K. Burt, O.S.A., Dean of the College of Liberal Arts and Sciences, partaking as Archpriest, Deacon, and Sub-deacon respectively.

The homily was delivered by the Reverend John J. Coffey, O.S.A., and was entitled "Law and the Cosmic Christ." Reverend Coffey expressed the relationship of Christ and the law as something real and relevant in the modern world which at times can appear unattatched to any religious guidance. Christ exhorted His followers to adhere steadfastly to those precepts which He laid down; this applies equally to members of the legal profession as to anyone else. Relativism must not prevail over the dictates of one's conscience and thereby undermine the aforementioned precepts.

Each year the Villanova Singers under the direction of Herbert Fias (Continued on Page 2, Col. 1)

Law and Public Service Discussed at Law Forum

The Law School began its Law Forum program with the distinguished Genevieve Blatt. Miss Blatt served Pennsylvanians as the Secretary of Internal Affairs. She has her L.L.B. degree, and has had a tremendous career in law and politics. She spoke on "The Lawyer and Public Services."

Miss Blatt explained the many facets of her life in the political arena. Her experience runs the gamut from a successful politician to a disappointing defeat to Hugh Scott for United States Senate. She is presently helping the country on a national level as Assistant Director of the Office of Economic Opportunity. Miss Blatt explained the hard work that it takes to be a public servant. Aside from the difficult job that one has to perform daily, the political life has many rewards. It allows a person the satisfaction of knowing that he is aiding the people.

Miss Blatt availed herself for a question and answer session. The questions were very perceptive and gave Miss Blatt an excellent opportunity to expand still further on her experience. One interesting point that was made during the discussion centered around the expertise of an attorney in politics. The attorney, being well trained in the field of the law and what it means, is able to become acquainted with the needs of the people and how to cope with these problems in a lawful manner. This allows the attorney the tremendous advantage over any other occupation to enter politics and to best serve the public in a highly competent manner.

The end of the Forum was centered in the Law School lounge. Miss Blatt stayed and enjoyed refreshments with the audience and was available for further discussion on an informal basis.

Members Installed At Coff Dinner

The Annual Order of the Coff Dinner and Lecture will be held on December 15, 1967 at Garey Hall, Villanova University. The speaker will be Glenn R. Winters, Esq. who is the Executive Director of the American Judicature Society. He will speak on "The Merit Plan for Judicial Selection—Its Historical Development."

During the dinner the members elected from the Class of 1967 will be installed. They include Arthur N. Brandolich, Thomas C. Carroll, Michael H. Goldman, Edwin M. Goldenith, Paul A. Kiefew, Raymond T. Lutuli, Louis P. Nicholson, and Lee Stuart Sherman. Professor Marcus Schoenefeld will be installed as a member. Honorary Members of the Villanova Chapter who will also be installed are the Honorable William Duff Jr., and Hugh P. McAdoo, Esq.

The officers of the Order of the Coff are Edward C. McCord, '63, president; Edwin W. Scott, '63, vice-president; and John J. Can- vom, '62, secretary.
From The Dean's Desk

As I See It...

Invariably I write this column with the memory of our Red Mass still fresh. This year, for the first time, the Mass was sung entirely in English. It was particularly beautiful and particularly inspiring this year. Our good friend, Bishop Graham celebrated the Pontifical Mass and Father John J. Coffey, O.S.A. preached. Father Walsh, our President, served as archpriest and the Augustinian Provincial, Father Sherman attended. The Villanova Singers, who sang the Mass, were more impressive than ever. We took them out of the rear gallery and placed them where they belong, in the choir stalls surrounding the altar. The effect was all that was hoped for. Each year more and more alumni return for the Mass. Well over 200 attended this year, most of them with their wives and about 150 remained for the reception and buffet in Garey Hall following the Mass.

Our 1967 Annual Giving Campaign has finally come to a thrilling conclusion. In every direction records were broken. Last year (1966), 86% of our alumni contributed. This year 88% of our alumni gave. I doubt that any other school will match this performance. Of course, I am as desire. This year 88% of our alumni gave. I doubt that any other school will match this magnificent achievement.

Giving 1968. Ed's initial appeal should reach our alumni on Friday, December 15th. The Coif lecture is preceded by the Red Mass still fresh. This year, for the first time, the Mass was sung entirely in English. It was particularly beautiful and particularly inspiring this year. Our good friend, Bishop Graham attended the Mass. The effect was all that was hoped for. Each year more and more alumni return for the Mass. Well over 200 attended this year, most of them with their wives and about 150 remained for the reception and buffet in Garey Hall following the Mass.

On the purely social side, our New York alumni gathered in mid-town Manhattan for cocktails and dinner on Saturday, December ninth. Sheldon L. Pollock '61 was in charge of the arrangements. In January, our Washington area alumni will gather in the capital city. The Chairman for the Washington gathering is James L. McHugh ’62. For those of us who can beat our way to Garey Hall on Saturday, December 16th, Pat Campbell ’65 promises the greatest alumni Christ­

ina party. And while I am speaking of alumni gather­

ning the Class of 1957 had a delightful ten-year reunion, with dinner at Garey Hall on Saturday, October 14th. Almost everyone in the class returned. It was a grand evening. Look to it in 1968, this is the year for your reunion.

And looking well into the distance, Mr. Justice Brennan of the Supreme Court of the United States will be with us to serve as Chief Justice for the final argument in the Reimel Moot Court competition on Saturday, April 6, 1968.

But the really big news of prime interest to all of us —

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Judgment on the Merits

By Edward G. Rendell

JUDGES, POLITICS AND ELECTIONS

Certainly it is the goal of all lawyers that the judicial system be as far removed from politics as possible. No judge who feels a debt to a political party can be free to render decisions in a non-partisan fashion. On the other hand, subjecting judges to constant election battles is not desirable either. If a judge is due to run for reelection in a few months in a hard contest, is he going to be able to render a fair sentence for a convicted rapist whose head the public is howling for?

It is because of this last reason that in Philadelphia the Bar Association and both major political parties had decided to adopt the "sitting judge" principle. The basic tenet of the principle was that after a judge has gained election in a political contest both parties will nominate him for all future terms so long as he is approved by a Bar Association committee. This gives the judge the assurance that he will be unopposed in the primary and, if he feels the rapist does not deserve a stiff sentence, he can give him a lenient one and not worry about a blood-thirsty public's wrath. Sounds good, right? Wrong because the "sitting judge" principle is not legally but just morally binding; it depends for its success on the good faith and morality of the politicians of both major parties. But you say that no politician would violate such a fine principle. Wrong, look at the last election in Philadelphia. Mayor Tate was faced with a hard primary fight. In order to consolidate his strength he backed William Dwyer, a local politician, against "sitting judge," Edward Kallick. Dwyer beat Kallick out in the primary for the Democratic nomination. In the general election Dwyer ran as a Democrat and defeated Judge Kallick running as a Republican, and that was the end of the "sitting judge" principle. The point is that there will always be politicians and therefore as long as the principle is formulated, there will never be a candidate who cannot give judges the assurance they need. Your next question might well be — can't the Bar Association give teeth to the principle? The pitiful answer is no! Despite the fact that the Bar Association allocated $100,000 towards a campaign to reelect Judge Kallick, the Judge lost by 11,000 votes as did the GOP mayoralty candidate Arlen Specter. Obviously then the Bar Association Campaign changed hardly a vote. Is the answer to have judges appointed rather than elected? Perhaps, but surely this would only make judges feel they owe an even greater debt to their political party. It was with great sadness that this writer viewed the judges of the Supreme Court of Pennsylvania divide strictly on both politics and the judiciary. If something isn't done soon, however, true justice will become scarcer and scarcer in Pennsylvania.

As I See It

(Continued from Page 2)

students, faculty and alumni — is the announcement that our building program is under way. We expect to break ground, at the very latest this summer, or, hopefully, in late Spring. Plans for the addition to Garey Hall to supply us with much needed classrooms, library space, offices and quarters for student activities; plans for a dining facility and plans for what promises to be a most attractive residence facility are anticipated that area representatives will be named to cover those parts of the country where Villanova Law School now has a number of graduates.
Where To
The New Juvenile Court—(In re Gault)

The Supreme Court decision of In re Gault, 387 U. S. 1 (1967), clearly determined that the child charged with delinquency and faced with possible incarceration was to be provided with adequate notice of the charges, protection against self-incrimination, right to counsel, right of confrontation and cross-examination at the adjudicatory phase of the juvenile court hearing. Although providing minimal standards for the implementation of these procedures, the Court declared that the proceedings in juvenile court were in large part left to the states within a framework of “fairness.”

In Commonwealth v. Johnson, 234 A. 2d 9, (1967), the superior court of Pennsylvania held that Gault mandated that a juvenile court decision be vacated where the child was not afforded the protection against self-incrimination at adjudication. The court also decided that there was no similar mandate with regard to jury trials in the juvenile system nor could such need be justified historically or by provisions in and judicial determinations of the Federal Constitution or Pennsylvania’s Constitution. Yet, further recognizing that Gault calls for a re-examination of procedural “fairness” in juvenile court, this court felt called upon to explore the implications of that decision in greater detail and to reach a conclusion as to any procedural reforms “within this larger framework.” Judge Hoffman, writing for the court, stated that Gault “abolished” in Gault an opinion carefully limited in scope. The Court, held, in essence, that the hearing at which the juvenile is adjudged delinquent must comport with the essential requirements of procedural due process imposed upon the states by the fourteenth amendment of the Constitution. Specifically, the Court held that the juvenile must receive notice of the charges, right to counsel, right of confrontation and cross examination, and protection against self-incrimination. But he hastens to add:

“The Court further hastens to point out that no inference should be drawn from its opinion that juveniles must be treated exactly as are adults in criminal proceedings.”

Therefore, although juvenile court procedures must include the afore-mentioned safeguards, the dosage of each within the system and all other safeguards are to be measured by the recognition of the uniqueness of the juvenile court system— that is the parens patriae doctrine (the state acting in the place of the true parent seeking only to rehabilitate the child).

The court then turns to the role envisioned for the juvenile court judge:

“Every stage of the proceedings in juvenile court must be conducted in the spirit and direction of the juvenile court judge. He need not apply the same procedure for the incorrigible and the rapist, for the ten year old charged with larceny of a bicycle and the seventeen year old charged with armed robbery. He must be active in seeking the cooperation of the child, parents and counsel in discovering the truth. He must be prepared to inject or vary his personality as the situation requires. Furthermore:

If jury trials are inserted into juvenile court proceedings, however, the juvenile court judge will be solely limited in carrying out the special tasks which the legislation has assigned to him.”

It is obvious from the foregoing that a jury trial is not required to achieve fundamental “fairness” for the child in juvenile court proceedings.

Is it so obvious? The problem of this decision is not in its result but in its reliance in part on the role envisioned for the juvenile court judge as the rationale for denying the appeal. In Frank and In re Gault, the Supreme Court stated that procedural reforms were required in the juvenile court process because there were inadequate personnel and facilities to reach the lofty goals set out for that process. In Johnson, the court turns to the supervision and direction of the juvenile court judge. He need not apply the same procedure for the incorrigible and the rapist, for the ten year old charged with larceny of a bicycle and the seventeen year old charged with armed robbery. He must be active in seeking the cooperation of the child, parents and counsel in discovering the truth. He must be prepared to inject or vary his personality as the situation requires. Furthermore:

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One element of the constitutional concept of “fairness” is the right to cross-examination which is not provided for in juvenile court proceedings. The Court in Gault specifically recognized the necessity for a right to cross-examination where the child is incarcerated.

In In re Gault, 387 U. S. 1, the Supreme Court specifically recognized the need for a right to cross-examination for the same reasons as applied to the right to counsel. The Court stated that in “the face of the full panoply of procedural devices to which a defendant is subjected upon entry into the criminal justice system, the recent Trend in juvenile court procedure, as Gault makes clear, is toward the incorporation of these devices, albeit where the child is charged as a minor and not as an accused.”

In re Gault is a rejection of the concept of “fairness” as it applies to children as persons. The Supreme Court recognized that the “compassionate and understanding atmosphere where all these ideal factors exist and answers the issues raised accordingly. Fantasy must be separated from fact. A juvenile court judge faced with sixty hearings in one day will not have the time or the patience to find within the actual framework in which he works regardless of effort, be

(Continued on Col. 4)