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NEW BUILDINGS IN SIGHT

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. The homily was delivered by the Right Reverend John J. Coffey, O.S.A., President of the University and President of the College of Liberal Arts and Commerce and Finance; and Fath­er Donald X. 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 Right 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 unattained 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.

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 subscribors of $50.

Each year the giving drive has started earlier so that eventually it may coincide in time with the academic year of the Law School. As in the past, the class representatives will be called on for their assistance. In addition, it is

LAW AND PUBLIC SERVICE DISCUSSED AT LAW FORUM

The Law School began its Law Forum program with the distinguished Genevieve Blatt. Miss Blatt served Penn­sylvania 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 expound still further on her experience. One interesting point that was made during the discussion centered on 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 knows 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 Coif Dinner

The Annual Order of the Coif Dinner and Lecture will be held on December 15, 1967 at Garey Hall, Villanova University. The speaker will be Glenn B. Woods, 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. Brandolph, Thomas C. Carroll, Michael H. Goldman, Edwin M. Goldsmith, Paul A. Kiefer, Ray­mond T. Letulii, Lois P. Nicharot, and Lee Stuart Sherman. Professor Marcus Schoenfeld will be installed as a member. Honorary Members of the Villa­nova Chapter who will also be in­stalled are the Honorable William Duffy, Jr. and Hugh P. McFad­den, Esq.

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

As I See It . . .

By HAROLD GILL REUSCHLEIN

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 Welsh, 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 proud as I can be. The Class of 1968 leads in percentage of donors with 100%. Everybody gave! Hail George Forde! Runner-up in percentage of participants is the Class of 1964 with 98%. There is one hold-out in the Class of 1964; Clark Hoggard whom we look very good, thanks in large part to a very generous pledge to our building fund made through our Annual Giving. In dollar volume, the Class of 1956 leads with the Class of 1968 as runner-up. In total amount contributed, the Class of 1956 bettered last year’s results by 106%. We are all profoundly grateful to Clark Hodgson ’64, Chairman of this year’s campaign, for this magnificent achievement.

Annual Giving 1968 is getting under way, even as I write this. C. Dale McClain ’64, our Alumni President, has appointed Edwin W. Scott ’63 as Chairman for Annual Giving 1968. Ed’s initial appeal should reach our alumni on Friday, October 14th with the Honorable Genevieve Blatt, Deputy Director of the Office of Economic Opportunity and Deputy Director of the Office of Economic Opportunity and is working hard to organize the Alumni attorneys who served as judges. Each argument dealt with a different problem. The problems ranged from the area of contracts to criminal procedure.

The first year students will participate in the Moot Court program by arguing problems in the second semester. The faculty and second and third year students will serve as judges in three judge panels.

Charles McManus is in charge of the overall Reimel Program and Edward Kopanski is in charge of scheduling.

New Constitution Prepared For The Inter Club Council

For the past several years the I.C.C. of Villanova Law School has been attempting to compose and ratify a Constitution for the Club System. This year should see the accomplishment of this dream. Due to the able leadership of Miss Majira Murphy and the persistent efforts of her committee consisting of Marvin Pesho, Jerry Conalvi, Ed. Roth, Mark Richter, and Marilyn Fullerton, the draft proposal was submitted to the I.C.C. in early November. After lengthy debate in the Council and several amendments, the final version was unanimously passed on November 10th. I.C.C. members are being printed and should be available to the Club members by mid-December. Voting on the issue of ratification should take place at the beginning of the second semester.

The Inter Club Council for the past several years was one of the most outstanding in the history of the Inter Club Council in Villanova Law School. The past few years had been a period of transition with the restructuring of the I.C.C. due to the leadership of the outgoing council. The question of the establishment of I.C.C. was a tremendous success, as did the festive Halloween reception and the Christmas dance.

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

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<th>Percent of Class Contributing</th>
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<td>1966</td>
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<tr>
<td>Averages and Totals</td>
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<td>409</td>
<td>88%</td>
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*Continued on Page 3, Col. 2*
Judgment on the Merits

By Edward G. Randell

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 his reelection 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 they play their cards correctly the Bar Association 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 Arien 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 political lines in answering the question whether District Attorney Specter had to resign to run for Mayor.

Sadly I have no solutions to this problem to offer. Perhaps the only hope is for finer, more moral men to enter both politics and the judiciary. If something isn't done soon, however, true justice will become scarcer and scarcer in Pennsylvania.
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, the right to counsel, the 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 made it clear that the measure of each was 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 mandates that a juvenile court judge be located 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 upon due consideration 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, states:

"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 actual framework in which he works regardless of effort, be that is the atmosphere where all these ideal factors exist and answers the court appears to envision the judge working in an inferior courtroom within the broadening scope of government regulations. Part I of this two-part article, entitled Religious Liberty Examined by Giannella, states that the Free Exercise and Establishment Clauses express a mutually exclusive orientation regarding the task of defining the limits of governmental interference with religion; and that this separation of church and state".

Where To? To the Legislature!

It seems almost axiomatic to state that the freedom of religion is one of the cornerstones of the Bill of Rights — a fundamental freedom enshrined in the Constitution. Is religious liberty still viewed by the Supreme Court as one of the most fundamental values in American life?

In an illuminating article which by no means confines itself to answering this question alone, Professor Donald A. Gianneila addresses himself to the problems created by the inner tensions existing between the Free Exercise and Establishment Clauses of the First Amendment in view of the broadening scope of government regulations. Part I of this two-part article, entitled Religious Liberty Examined by Giannella, states that the Court must adopt some elementary natural theology when presented with a religious liberty claim which does not rest upon an articulated body of doctrine fitting into traditionally accepted categorization in a religious system.

The core of Part I is devoted to an analysis of elements to be considered by the Court in striking a balance when governmental regulation comes in conflict with an individual’s free exercise of his religion. The article suggests three elements of governmental interference, and two elements of religious liberty which should be weighed in reaching a determination. The Government’s interest in the establishment of the secular value underlying the governmental regulation must be determined. The degree of necessity and the impact that an exemption for religious reasons would have on an overall governmental program. The Religious interests would concern the sincerity and importance of the religious practice for which special protection is claimed, and the degree to which the governmental regulation interferes with that practice.

Thus, where the interest of the Government, has been incidentally giving rise to interference with religious liberty is alleged and the governmental burden is substantial, the Free Exercise Clause would suggest that governmental regulation be subjected to rational basis. If “strict neutrality,” rather than a balancing test were required, the Court would be guided, one can see that such an exemption would result in a violation of the Establishment Clause. Such a paradoxical result would be unlikely, but a balancing test incorporating the elements suggested by Professor Giannella seems at once a realistic and equitable resolution of such conflicts.

(Continued on Col. 4)