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REIMEL FINALS TO BE HELD SATURDAY

DISTINGUISHED GUESTS TO HEAR COMPETITION

by STEWART KURTZ

On Saturday, April 6 at 3:00 P.M., the final argument in the 1968 Reimel Competition will be presented. Presiding at the session will be the Honorable William J. Brennan, Associate Justice of the Supreme Court of the United States. Sitting with Mr. Justice Brennan will be the Honorable Collins J. Seitz, Associate Justice, United States Circuit Court, Third Circuit, and the Honorable Samuel J. Roberts, Associate Justice, Supreme Court of Pennsylvania. The advocates in the final round are: Joseph R. Lally, '69, and Edward S. Panek, Jr., '69, representing the Petitioner, Cancan Corporation; and James R. Adams, '69, and G. Barrett Garbarino, '69, appearing for Respondent, Local F of Steamters Union.

MR. JUSTICE BRENNAN

This year's case involves a labor-management dispute regarding the right to partially close parts of an operation and the duty to bargain collectively. Petitioner, Cancan Corporation, operated soft drink canning plants in Bridgeport, Pennsylvania and Wilmington, Delaware, and a Distribution Division in Norristown, Pennsylvania. Respondent, Steamters Union, represents the employees at the Pennsylvania plants. From April 1966 to September 15, 1966, the parties attempted unsuccessfully to negotiate a labor agreement, but could not agree on wage rates.

On July 15, 1966 Petitioner informed Respondent that it had decided to shut down and liquidate its Distribution Division. Respondent protested this action, and on July 30, 1966 initiated and maintained work stoppages at both Pennsylvania plants. The National Labor Relations Board held that the failure of Cancan to bargain with the union on the shutdown decision constituted an unfair labor practice.

After closing the Distribution Division, Petitioner notified Re-

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CLARK TO SPEAK TO LAW REVIEW

The annual VILLANOVA LAW REVIEW Dinner will be held this year on Wednesday, April 17, in Garey Hall Lounge. The speaker for the dinner will be the Hon. Tom C. Clark, retired Associate Justice of the United States Supreme Court. Cocktails will begin at 6:00 P.M. with dinner at 6:30.

At the dinner the Board of Editors for Volume XIV of the VILLANOVA LAW REVIEW will be presented.

The VILLANOVA LAW REVIEW has announced that the following candidates were elevated to the staff of the VILLANOVA LAW REVIEW. Third year students elected were Fortunata M. Giudice, Immaculata College, '65; Michael F. Rosenblum, Harvard College, '62; and James J. Ryan, Siena College, '65.

Students from second year include James R. Adams, Lehigh University, '66; William E. Benner, Dickinson College, '66; George J. Cappiello, Manhattan College, '66; Edward J. Ciechon, Villanova University, '66; and Mark S. Dichter, Drexel Institute of Technology, '66.

Also from second year are John R. Doubman, Jr., University of Pennsylvania, '62 and '65; Edward G. Fitzgerald, Providence College, '66; James H. Freis, St. Peter's College, '66; David H. Huggler, University of North Carolina, '66;

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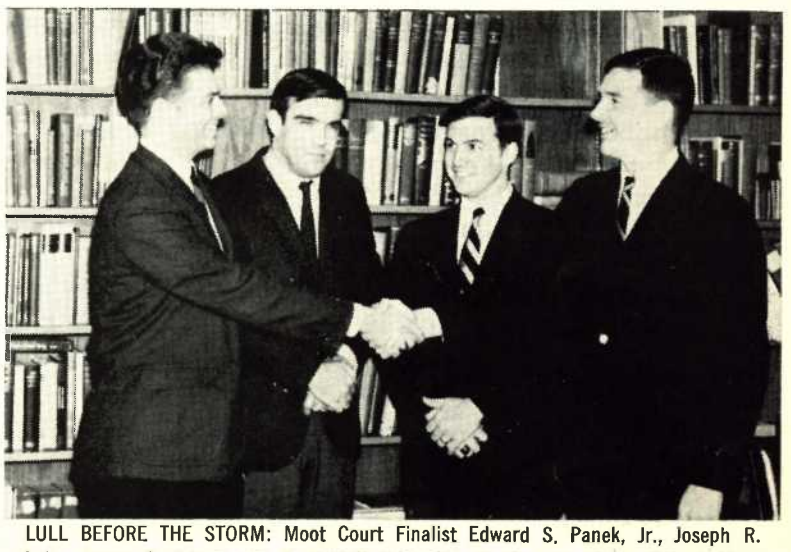

LULL BEFORE THE STORM: Moot Court Finalist Edward S. Panek, Jr., Joseph R. Lally, James R. Adams and G. Barrett Garbarino on the eve of the Reimel Moot Court Competition.

PLANS FINALIZED FOR LAW SCHOOL ADDITION

by STEPHEN MCBRIDE

The design of the academic addition to the Law School has been finalized. An addition to the reading room and stacks will be provided by the wing extension to the library and two additional classrooms with a corridor consisting of offices will be provided. The classrooms will be convertible into an auditorium with a seating capacity of 400 persons.

Below the additional classroom area will be a dining hall serving both resident and nonresident students. The present parking area will be converted into a green area.

While the residence hall design is tentative, it is believed both the hall and academic addition will be constructed concurrently. Present plans call for the ground breaking to take place in early August to coincide with the National Convention of the American Bar Association, to be held in Philadelphia.

Preparing working drawings for the buildings are Dagit Associates who designed Garey Hall and who will also supervise construction.

A sight survey was conducted on February 2, 1968 by James C. Messersmith, Program Specialist in the Graduate Facilities Branch of the Health, Education and Welfare Department, and an outside consultant, B. J. Tennery, Dean of American University Law School in Washington, D. C.

Under Title II of the Higher Educational Facilities Act, H.E.W. is empowered to make grants for graduate school and law school construction. The visit and survey were in connection with a request by the Reverend Robert J. Welsh, O.S.A., President of Villanova University, for a grant amounting to ⅓ of the estimated total cost of construction, excluding the residence hall.

(Continued on Page 3, Col. 5)

ATTORNEY GENERAL TO SPEAK AT COMMENCEMENT

Villanova University has announced that the Hon. Ramsey Clark, Attorney General of the United States, has tentatively agreed to be the commencement speaker for the 125th Anniversary of Villanova University. The University is presently awaiting final confirmation from him.

The commencement exercises for the Villanova Law School Class of 1968 will be held on Monday, May 13, 1968, at 3 P.M. at the Philadelphia Civic Center. The graduating class is the largest in the law school's history, with over 120 graduates.

Baccalaureate Mass will be sung in the Field House on Monday morning, May 13, at 10 A.M.

In conjunction with graduation, Class Day will be held on Sunday afternoon, May 12, at the Law School. The students named to the Order of the Coif will be announced and prizes will be awarded for academic excellence. Student leaders in law school activities will be cited and honored. The Class of 1968 will then present their class gift to the University.

Following the ceremony, tea will be served in the lounge and on the terrace, affording the students' guests an opportunity to meet and talk with the faculty on an informal basis.

Where To

by GLENN C. EQUI

Mempa v. Rhay: Right to Counsel at Sentencing?

In *Mempa v. Rhay, ... U. S. .....* 88 Sup. Ct. 254 (1967) the issue was whether in the State of Washington, an individual who pleads guilty to an offense, is placed on probation, and is subsequently sentenced during a revocation of probation hearing to a term of confinement, must be afforded counsel at such a hearing. The Supreme Court of Washington held there was no necessity to provide counsel in this type of proceeding on the grounds that the sentencing under the state statute takes place when the convicted defendant is originally placed on probation and the imposition of sentence at the revocation of probation hearing is a "mere formality." The United States Supreme Court, although recognizing that the trial judge in Washington is required to sentence a convicted person to the maximum term provided by the statute, found that the actual term served would be determined by the State Parole Board, which in turn relied heavily on recommendations made by the trial judge. Furthermore, an appeal in a case where a plea of guilty had been entered and probation followed could only be filed at a revocation of probation hearing and a plea of guilty could be withdrawn until sentence was imposed at such hearing. This led the Court to conclude that more than "mere formality" was involved and the need for counsel

> "in marshaling the facts, introducing evidence of mitigating circumstances and in general aiding and assisting the defendant to present his case as to sentence is apparent."

And, with respect to the right of appeal or withdrawal of a guilty plea,

> "An uncounseled defendant might very likely be unaware of this opportunity."

Dicta in the *Mempa* decision points out the strong need for counsel in sentencing procedure. The Court cites with approval lower federal court decisions which have held that the Sixth Amendment does provide for the right to an attorney at sentencing in federal cases and *Townsend v. Burke,* 334 U. S. 736 (1948) (where it was held that a defendant in a Pennsylvania criminal proceeding was denied *due process* when sentenced in the absence of counsel and where the judge relied on a criminal record which was erroneous) which,

> "illustrates the critical nature of sentencing in a criminal case and might well be considered to support by itself a holding that the right to counsel applies at sentencing."

Yet, the Supreme Court did not choose to make *Mempa* the vehicle for deciding that a convicted person must have counsel at *all* sentencing proceedings. "All we decide here is that a lawyer must be afforded at this proceeding whether it be labeled a revocation of probation or a deferred sentencing."

This narrow holding may have been predicated on the basis that the Court did not feel the fact situation lent itself to a sweeping decision as to the right of counsel during sentencing. The clear trend of this decision makes it necessary to consider the proposition that once the attorney is introduced at this stage of the proceedings as a matter of right, it will also be required that his introduction be effective. Therefore, not only must the states, in viewing this decision, give consideration to allowing the attorney to participate in the sentencing process, but they must also consider what procedural reforms, if any, will be required in order to permit effective representation.

In *Williams v. New York,* 337 U. S. 241 (1949) the Court ruled that neither the genesis nor historical evolution of the Fourteenth Amendment required the same procedures be afforded the defendant in a sentencing hearing as are provided him in a criminal trial. When the time for "treatment" has arrived, procedural safeguards could be reduced. The re-examination of the concept of "treatment" as a ground for procedural laxity recently underwent review by the Supreme Court in *In re Gault,* 387 U. S. 1 (1967), with regard to juvenile delinquency proceedings. Although, not going so far as to require an attorney at disposition, the Court no longer was satisfied that "treatment" justified precluding counsel at a juvenile's hearing and disregarding all procedural safeguards.

Mempa and *Gault* combined may in the future not only require that an attorney be present at sentencing to represent the convicted person, but that procedural safeguards be more strictly enforced to insure such a hearing meets a standard of fairness required by *Due Process.*

WHERE TO — INTRODUCTION OF COUNSEL AT SENTENCING PROCEEDINGS AS A MATTER OF RIGHT AND A REVIEW OF THE PROCEDURAL SAFEGUARDS AFFORDED THE INDIVIDUAL AT THIS STAGE OF THE CRIMINAL PROCEEDINGS.

Alumni Locator

We are very proud to inform our readers that on Monday, March 11, 1968 Edward G. Mekel, '58, was sworn in as Deputy City Commissioner for the City of Philadelphia. Ed will be in charge of voter registration.

Our best wishes and hardiest congratulations go out to James J. Binns, '64, and the former Mary Sweeney who recently exchanged nuptial vows.

We are pleased to announce that Mr. and Mrs. Nicholas C. Bozzi, '64, have a new addition to the family, Jeffery Jon, their second boy.

In the last issue of THE DOCKET we announced the birth to Mr. and Mrs. Edward O'Malley of Thomas More O'Malley (Guess what law club Ed must have belonged to!). We omitted to mention that this brought the O'Malley clan to a total of four. Their first child, Michael Patrick, is presently 19 months old. Ed, a '63 Villanova grad and a '66 Villanova Law grad is currently an associate in the firm of Isham, Lincoln, and Beale which is located in Chicago's Loop. The O'Malleys are residing in the northern suburb of Evanston. Ed is also a member of the Chicago Bar Association.

We are also pleased to announce that the firm of Mr. Thomas F. Schlipp, '64, and wife have a new partner, their new-born son, James Raymond. Lots of luck James!

C. Dale McClain, President of the Alumni Association, and his wife Brooke are pleased to announce the birth of their son, Cary Bevan McClain, on March 11th. He weighed 7 lbs., 13 oz. at birth.

Finally, in light of the fact that THE DOCKET is now the primary medium of communication between you, the various members of our ever-enlarging and increasingly prominent body of alumni, we wish to encourage all of you to kindly notify Garey Hall of any newsworthy events in your lives. You hear from us four times yearly. We'd like nothing more than to hear from you just as often.

ALUMNI DINNER TO BE HELD

Conrad (Connie) J. De Santis, '65, who is currently with the firm of Schnader, Harrison, Segal & Lewis, is chairman of this year's Annual Alumni Diner. He disclosed that the date for this major alumni social function will be Friday, April 26. It will be held at Williamson's Atop the Barclay which is located on City Line Ave.

The indubitable highlight of the evening will be the guest speaker, Mr. Bernard G. Segal, Esq. Culminating an already highly distinguished public career was Mr. Segal's recent election as President of the American Bar Association. Among a few of the President-Elect's several other achievements are the following:

LL.B., The Law School, University of Pennsylvania, 1931. Lay Board of Trustees, Villanova University.

Philadelphia Bar Assoication—Chancellor (1952 and 1953); member, Board of Governors, former Chairman and member of various committees. American Law Institute—Treasurer, Council, and Executive Committee (1955-). Pennsylvania Bar Association — Chair- (1958-); Pennsylvania Bar Association Award for Dedicated and Distinguished Service in the Field of Jurisprudence and the Improvement of the Administration of Justice (1962). American Bar Association — Chairman, Standing Committee on Judicial Selection, Tenure and compensation (1963-).

Member, Standing Committee on Rules of Practice and Procedure, Judicial Conference of the United States (by appointment of Chief Justice Warren) (1959). Co-Chairman, Lawyers' Committee for Civil Rights Under Law, by appointment of Presidents Kennedy and Johnson (1963-1965).

Mr. DeSantis had nothing but praise for Williamson's — the atmosphere is ideal, the service is congenial and the food is excellent. This year's menu features filet mignon. Wine will be served with the dinner. The price of $10 per person will cover two cocktails which will be served during the cocktail hour preceding the dinner.

Further information regarding the Annual Law Alumni Dinner will be mailed to the alumni shortly. Mr. De Santis has appealed for a speedy response from all the alumni in order to fully assure that the Dinner will be a perfect success.

BERNARD G. SEGAL, ESQ.

DOWD MODERATES SYMPOSIUM

The Fourth Annual Law Review Symposium, moderated by Professor Donald W. Dowd, will be held Friday, April 19, at the Law School. The subject of the discussion is: "Between Life and Death: Medical, Legal and Ethical Implications of the Act of Dying." The essence of the discussion will be a contemporary polemic on organ transplants and their multi-faceted implications.

Distinguished guests on the panel will include: William J. Curran, recent Director of the Law-Medicine Research Institute at Boston University and presently visiting professor of Health Law, Harvard Medical School; Emil Z. Berman, Esq., of the New York Bar; Doctor William H. Likoff, Chief of Cardiology, Hahnemann Medical College and President of the American College of Cardiology; Doctor J. Russell Elkinton, Professor of Medicine, University of Pennsylvania, editor of "Annals of Internal Medicine" and Professor Thomas A. Wassmer, visiting lecturer at the Episcopal Theological School of Harvard University.

Procedure will involve an afternoon meeting composed of participants and a selected audience at which time the participants' papers will be distributed and discussed. It will be followed by the evening forum discussion and a question and answer period.

ABRAHAM ADDRESSES LAW FORUM

Dr. Henry J. Abraham, Professor of Political Science at the University of Pennsylvania, was the speaker at the Law Forum Lecture which was held on March 22 at Garey Hall. Dr. Abraham has concentrated on Constitutional Law and the Judicial Process, secondarily concentrating on American Government. He has been a visiting professor at Swarthmore College and the University of Aarhus. In 1959-60 he taught at the University of Copenhagen for which he won the Fulbright lecturer award for Denmark. From 1961 to 1963 he was Chairman of the Institute of International Education's National Screening Board for Fulbright granters for Scandinavia. Professor Abraham is a member of the Committee on Non Discrimination, Board of Education of Philadelphia and a fellow of the American Philosophy Society and the Social Science Research Council. He is also an editorial adviser in Political Science to the well reputed Oxford University Press.

DR. HENRY J. ABRAHAM

His works include *Elements of Democratic Government, The Judiciary, The Supreme Court in the Governmental Process, Freedom and the Court,* and *Courts and Judges: An Introduction to The Judicial Process.*

Professor Abraham spoke on "Thoughts on the Emerging Constitution: The Supreme Court in a Leadership Role." After his talk and a question and answer period, the group adjourned to the lounge for a coffee hour.

Annual Dinner Dance proved to be the Highlight of the Law School Social Calendar.

AWARDS PRESENTED AT ANNUAL DINNER DANCE

The Annual Dinner Dance fulfilled the high expectations of those who attended the zenith of the Law School's social calendar at the Alpine Inn. Upon arriving, faculty and students were greeted by the pleasant surprise of ample parking in close proximity to the festivities. The facilities were spacious with a pleasant decor and were supplemented by an adequate and efficient staff. Two bars were open during the cocktail hour and after dinner, one in a barroom adjacent to the banquet room and one in the banquet room proper, thus permitting natural dispersion of revelers throughout the space provided. The head table was positioned at the far end of the banquet room from which the stage of blue decor on the far wall could be viewed. A stairway bordered by a white wrought iron railing ascended from the middle of the stage and diverged toward the walls of the plateau as its ascent was satisfied. A grand piano dominated the stage floor from which Nick Ruben's band emitted contemporary musical strains. The "U" shaped configuration of dining tables enveloped the dance floor and stage, in front of which, during cocktails, a table was placed on which hors d'oeuvres were arrayed. The dining tables were endowed with floral center pieces, candlelight, and wine that accented the evening's culinary delights. Subsequent to Dean Bruch's conferment of awards, Nick Ruben orchestrated the festivities into a new day.

The individual winners of the coveted awards were: Joseph R. Wenk, The Roman Catholic High School Alumni Association Award for the attainment of the highest average during the first year of law school; Walter J. Taggart, The Robert C. Duffy Administrative Law Prize for grasping the problems involved in subjecting public administrative action to the rule of law; James D. Hutchinson and Jay R. Rose, The Herman J. Obert Award for attainment of the highest grades in corporations; Jeffery W. Kohlman and Joseph R. Wenk, The Reverend Joseph Ullman Award for attainment of the highest grades in criminal law; Barry Ackerman, The Vincent A. Carroll Award for attainment of the highest cumulative average for both semesters during the second year of law school; Mark S. Dichter and Joseph R. Wenk, The James Rinaldi Award for outstanding contributions in the classroom during the first year; John P. O'Dea, The Rose B. Rinaldi Award for outstanding contribution in the classroom during the second year; and Joan N. Simon, The Law Alumni Award for scholastic improvement from the first to the second year.

ALUMNI SPONSOR SEMINARS

Nicholas (Nick) C. Bozzi, '64, a member of the firm of Stradley, Ronon, Stevens & Young, is coordinating this year's Seminar Project. The program is designed foremost for third year students, however it is not confined to them.

The program involved two seminars. The first, held on March 21 at 3:00 P.M., was conducted by Albert (Al) P. Massey, Jr., '64, a partner of the firm of Reilly & Massey, Chester County. The subject matter of this seminar was geared to prepare the student to handle a real estate settlement. The second seminar, which took place on March 26 at 12:00, was conducted by Richard Phillips, '66, who is currently with the Voluntary Defender's Office. The topic was "Preliminary Proceedings in a Criminal Case."

Procedure called for the speakers to talk for about a half hour followed by a question and answer session. The practical aspects of practice were treated as opposed to the theoretical aspects of law which the student is primarily exposed to at law school.

Former CLS Official Talks On Legal Aid To Juvenile Poor

by DENNIS COYNE

Mrs. Lois Forer, former attorney-in-charge of the juvenile office of Community Legal Services, spoke to the students of the Law School on Tuesday, Feb. 26, at the invitation of the American Affairs Discussion Club. She spoke on legal assistance to the poor, especially counsel for indigent juveniles.

Mrs. Forer herself organized the juvenile office some eighteen months ago with funding by the Office of Economic Opportunity. During that time, some thirty-one hundred children were represented. The demand was so great that a staff attorney would find himself with forty to seventy clients assigned to him each day. With an ever increasing backlog of cases, the court could allow only a few minutes for each of the accused. The requests Mrs. Forer made for additional funds to finance the work of the office were denied. Realizing that under the circumstances no effective representation could be rendered to C.L.S. clients, Mrs. Forer resigned.

In response to a question from a student, Mrs. Forer said that she doubted whether effective legal representation could ever be rendered by a public agency. First, it is difficult for one public agency to publicly criticize another agency, much less bring suit against it. Second, a public agency would not allow a choice of representation to the indigent client. If he did not approve of the representation he was receiving, he would not be able to secure different counsel — an opportunity that a paying client has. Third, the establishment of a special legal agency for the poor would further segregate the poor from the rest of society. There would always exist the possibility that such a public agency might come to render second-class service as is sometimes the case with other public agencies established to assist the poor.

The alternative to representation by a public agency would be through a state financed program like Judicare. Under such a program an indigent could secure the counsel of his choice, with the attorney being reimbursed for his services in accordance with an established fee scale. Complementing this scheme of private representation would be the establishment of a number of legal offices financed by philanthropic foundations. These offices would specialize in difficult test cases.

When asked by a student how a lawyer might best practice in poverty law today, Mrs. Forer suggested joining a large law office that allows its attorneys a leave of absence to work in the area. Such lawyers bring fresh approaches and real enthusiasm to their representation, while receiving greater attention and courtesy from the court than is afforded the "regulars" of C.L.S.

Mrs. Forer worked with several Villanova law students when they participated as volunteers in Community Legal Services. What she would like to see is the establishment of a small office with a few students working with the staff in a closely supervised program for a period of six months or so. This intensive program would prepare the student to practice with expertise in a special field, i.e., trial work with juveniles.

Mrs. Forer was warmly received by the students, many of whom participate in the Community Legal Services and Delaware County programs. The students who participate in these programs not only assist the offices to which they are assigned, but also gain valuable practical experience as well. It is hoped that student involvement in community legal programs will continue and that people like Mrs. Forer will appear from time to time to give them encouragement.

Judgment on the Merits

by EDWARD G. RENDELL

Counsel for Indigents on Appeal?

One of the burning questions in the field of criminal procedure today is whether the case of *Douglas v. California,* 372 U.S. 353, 83 S. CT. 814 (1963) should be extended. The landmark holding of *Douglas* was that if a state has created mandatory avenues of direct appeal from conviction (and the holding specifically stated that it is not constitutionally required for a state to provide these avenues of direct appeal) it would be a violation of the Equal Protection Clause of the 14th Amendment for the state not to provide an indigent with counsel to help him carry out his direct appeal. The rationale behind the decision was clear. The court felt that an indigent should have as equal an opportunity as a rich man to frame his direct appeal. However, the Court was not ready to extend its holding to other types of appeal. It stated that:

> "We are not concerned with the problems that might arise from the denial of counsel for the preparation of a petition for discretionary or mandatory review beyond the stage in the appellate process at which the claims have once been presented by a lawyer and passed on by an appellate court. *We are dealing only with the first appeal, granted as a matter of right* to rich and poor alike from a criminal conviction. We need not now decide whether California would have to provide counsel for an indigent seeking a discretionary hearing from the California Supreme Court after the District Court of Appeals had sustained his conviction . . . or whether counsel must be appointed for an indigent seeking review of appellate affirmance . . ."

Thus, it is clear that the Court did not decide whether an indigent defendant must be provided with counsel in either of the following situations: 1) on his appeal to a higher appellate court from the denial of his appeal by an intermediate appellate court, or 2) on collateral attack (e.g.: habeas corpus or, as in Pennsylvania, under a Post-conviction Relief Act.)

The pressing question is then, should *Douglas* be extended to cover these situations. I believe it should not. My reasons are fairly pragmatic and fairly simple. The argument for extending *Douglas* would basically be that to insure equal protection to the indigent he should be granted counsel to carry out any appeal allowable for that is the opportunity the rich man has. This argument is clearly not persuasive. The Equal Protection Clause can never be absolutely construed. Absolute equality is impossible. Providing every defendant with a lawyer all the time will not create absolute equality, for the court appointed lawyer will usually be a young, inexperienced lawyer as compared to the lawyer a rich man could hire. The Court in *Douglas* realized this. It stated, "Absolute equality is not required; lines can be and are drawn and we often sustain them. "

Should a line be drawn here? Again I believe so. Under *Douglas* an indigent is assured of counsel for his direct appeal. He has not only had his day in trial court, but he has gotten a fair shake on appeal. If any glaring errors were apparent after trial, his counsel and he should be able to bring them out on direct appeal. Perhaps the only area where an indigent should have counsel to help him on collateral attack is when the Supreme Court has created a new right which was not known of at the time of his direct appeal and which has been held to apply retroactively. For example, if the Supreme Court had held that the required warnings it mandated in *Miranda v. Arizona,* 384 U.S. 436, 86 S. CT. 1602 (1966) were to be applied retroactively, then an indigent should be given counsel to help him frame his collateral attack based on a right which he did not know existed at the time of his trial and direct appeal. (Of course, the Court held in *Johnson v. New Jersey,* 384 U.S. 719, 86 S. CT. 1772 (1966) that the warnings were not to be required retroactively.)

LAW REVIEW

(Continued from Page 1)

Michael J. Izzo, St. Peter's College '66; and Michael P. Marnik, College of the Holy Cross, '66.

Other second year students include Joel C. Meredith, Roosevelt University, '66; Robert Reeder, Gettysburg College, '66; Thomas C. Riley, Drexel Institute of Technology, '66; David A. Scholl, Franklin and Marshall College, '66; and Joseph A. Torregrossa, Villanova University, '66.

BUILDING

(Continued from Page 1)

While no final word has been received from H.E.W., it has been informally heard that Mr. Messersmith was pleased with the results of the visit.

Acting upon Dean Reuschlein's request, a Student Building Committee has been appointed, with Dennis Coyne serving as chairman. The purpose of the committee is to advise the Faculty on student ideas regarding the forthcoming construction.

GIANNELLA EXAMINES ESTABLISHMENT CLAUSE IN HARVARD LAW REVIEW

by JUSTIN BLEWITT

In the January 1968 issue of the HARVARD LAW REVIEW, Professor Donald A. Giannella, in an article entitled *Religious Liberty, Nonestablishment and Doctrinal Development, Part II The Nonestablishment Principle,* continues his treatment of the religious guarantees embodied in the First Amendment in the light of the ever broadening scope of governmental regulations.

Viewing the Constitution in its historical context, we see that the framers intended a government of highly limited powers. Religion was certainly to play a part in the established social order, but it was then thought that the state would play a passive role in forming that order. Clearly, the latter is not true today. And with this change — with the government assuming a positive role in structuring the social order — the question as to how to treat religious groups has become a fundamentally different one.

PROFESSOR DONALD A. GIANNELLA

Two distinct schools of thought have attempted to resolve the question. The strict "no aid" theory would deny outright any governmental benefits to organized religion. The theory of strict neutrality would permit religion to share fully in social gains which are the result of governmental activity in areas which are religiously neutral. The Supreme Court in *Abington School District v. Schempp,* 374 U.S. 203, would seem to indicate its approval of the latter in stating:

> . . . the test in determining whether a legislative enactment violates the "establishment" clause . . . is the purpose and primary effect of the enactment. If either is the advancement or inhibition of religion, then the enactment exceeds the scope of the legislative power as circumscribed by the First Amendment.

Professor Giannella suggests that a rigid application of this test, as called for by the rule of strict neutrality, would not properly serve the purposes underlying the Establishment Clause.

The principle of "free exercise neutrality" discussed in Part I of Professor Giannella's article explains religious *exemptions* from governmental restrictions on behavior. However, it fails to justify *aid* to religious interests and associations when that aid flows from the secular order established by the state. A distinct neutrality principle — what Professor Giannella describes as "political neutrality"— is necessary to explain this. Whereas the aim of "free exercise neutrality" is to remove governmental burdens from the practice of religion, the aim of "political neutrality" is to "assure that the Establishment Clause does not force the categorical exclusion of religious activities and associations from a scheme of governmental regulation whose secular purposes justify their inclusion."

Such a goal is unthinkable under the "no aid" theory, though it is quite appropriate under the strict neutrality approach. Yet, the principle of "political neutrality" is not reached by a modification of one of these two extreme approaches, but by an analysis of the underlying values of the Establishment Clause. Professor Giannella sees two fundamental values which the Clause was meant to protect: Voluntarism, which would insure that religious groups receive civil opportunities for self-development equivalent to those accorded to other voluntary associations, and Noninvolvement, which would prevent government aid to religion when the result would be to give support to it in its missionary and apostolic endeavors. Viewed in this light, aid can be extended to religion in certain circumstances.

A strict construction of "political neutrality" seems ideally suited toward achieving regulatory effectiveness and political equality on one hand, while avoiding improper aid to religion on the other. Yet, there are certain areas where this dual purpose will not be achieved without modification. Professor Giannella suggests two such areas. First, certain governmental programs cannot realize their secular purpose unless a special place is accorded to religious activities or interests in their regulatory schemes. This, he describes as the "secularly relevant religious factor" which, when taken into account, would allow religious organizations to share in benefits which might otherwise be denied to them. Second, whenever the state extends a benefit to religion that cannot be classified as a logical by-product of admitting religious associations to the prevailing secular order on terms of general equality with other voluntary associations, then there exists a "disqualifying religious function" which would require that state support be denied.

Having established his premises and guidelines, Professor Giannella examines at length four current or potential areas of Church-State controversy: Zoning, Allocation of Broadcasting Licenses, Tax Exemptions and State Support of the Public Welfare Functions of Churches. He then concludes his article with an analysis of the constitutional questions involved in the various Church-State conflicts in the lower and higher levels of education. This fertile field of controversy is examined with an awareness and concern for the role which religion and church related schools will have in our educational structure.

It should be noted in concluding that the above summary is intended to be nothing more than that — a brief introduction to a complex but illuminating analysis of a constitutional issue which will never cease to lose its vitality. Professor Giannella's article offers an important contribution to the continuing Church-State controversy which should be of interest to the concerned lawyer and law student.

ANNUAL GIVING DRIVE BEGINS

Edwin (Ed) Scott, '63, this year's Annual Giving Director, has informed us that the drive which was launched in December and which it is hoped will successfully be completed sometime this month, is well underway and is gaining momentum daily. As of mid-March, close to 30% of the alumni had thus far contributed and the amount contributed is considerable in relation to what was given in bygone years. But Ed emphasizes that it cannot be reiterated often enough that the amount contributed is not as significant as the fact that an alumnus has contributed.

The goal this year is not simply to match, but to surpass last year's phenomenal 88% alumni response. All alumni are urged to make their contribution now in order to spare those who are conducting this year's drive from the concentrated heavy burden which is bound to be created when a large segment of the alumni wait until the last minute to make their contribution.

Faculty-Student Relations Committee To Be Formed

by MARYLIN FULLERTON

The Faculty Committee for the establishment of a Faculty-Student Relations Committee held an open meeting to discuss the proposed structure of the Committee and to allow interested students to make their recommendations concerning the proposed organization. The Faculty Committee was formed in September to "investigate means for the establishment of more effective avenues of communications for reflection of student interest in certain aspects of the functioning of the law school." It was hoped that through this open hearing on the proposed committee structure the students would indicate their interest in the plan, and indicate whether the faculty proposal would be effective to achieve representation of students' interests.

However, during the meeting only one student, Michael Kennedy, spoke on the plan as proposed by the Faculty Committee and only thirteen students attended. Seven members of the faculty were in attendance. The proposal as made was to set up two subcommittees; one composed of student members and the other composed of faculty members. The student subcommittee would consist of the following persons or their designees: The President of the Student Bar, The President of the Honor Board, The President of the Inter-Club Council, The Editor-in-Chief of the VILLANOVA LAW REVIEW, The Chairman of the Moot Court Board, and the Editor of THE DOCKET. This subcommittee would meet regularly on any matter of concern to the Law School.

The Faculty subcommittee would consist of four faculty members including the Vice-Dean and would also have regularly scheduled meetings.

If desired, the anonymity of the proponent of any matter would be preserved. The full Committee would meet at scheduled times in public or private session to discuss matters brought to their attention.

Professor Frankino, Chairman of the Faculty Committee indicated that the proposal is now subject to acceptance by the Faculty Committee and will then be brought before the entire faculty for their approval. There is some question as to whether the plan, if accepted, would go into effect this year or begin next year.

Professor Frankino stated that there was some question in his mind whether the disappointing lack of student interest evidenced by the attendance at the hearing would indicate that such a means of communication is not necessary. He hoped that he hadn't misread the students by his working toward a better interrelationship. He had also hoped the students would reinforce the Committee's interest.

DAY IN COURT: Witness Fred Moss appears unruffled by prosecutor John Rolli's pointed question, while co-counsel Jay Lambert and the jury look on intently. Judge Collins seems to have heard it all before.

Students Perform In Mock Trials

by ROBERT J. EBY

On Saturday morning, March 2, 1968, the case of *Commonwealth v. John Evans, Jr.* was heard in the Villanova University School of Law courtroom with Judge J. E. Collins presiding. The trial was another in the series of courtroom experiences performed by third year students in this year's Trial Happenings program. The current series is being completely handled by the participating student attorneys. The various witnesses are portrayed by other students. The case for the Commonwealth was handled by attorneys Barney Welsh and Glenn Equi. Mr. Evans was represented by David Knoll and William Gilroy.

Defendant Evans (portrayed by Mike Kavanagh) was charged with the felony-murder of one Howard Lane. The crime was allegedly committed while Evans was participating in the perpetration of a robbery. In furtherance of its case, the Commonwealth called the father of the deceased William Lane (Stanley Turitz) as a witness. In addition, the arresting police officer, Sergeant O'Connor (Dennis O'Hara) offered testimony relating to the investigation and arrest of the defendant.

The defense presented five witnesses. Taking the stand on behalf of Mr. Evans were Mrs. Jones (Fortunata Guidice), who was a bystander, the father of the defendant (Harry Himes), the examining physician (Paul Eisenberg), a clothing store owner (Byron Milner), and the defendant himself. At the conclusion Messrs. Welsh and Equi secured a verdict against the defendant.

The second trial in this program was held on Saturday, March 16, again under the guidance of Professor Collins. That action involved a prosecution for felony-murder also in that a bystander was killed as a result of the commission of the burglary of a jewelry store. The defendant, represented by attorneys Ed Kopanski and Paul Eisenberg, alleged that he was in fact coerced into joining the conspiracy to commit the robbery out of fear for both himself and his fiancee. Defense counsel thus argued that the defendant could not be held for the murder of the bystander under the co-conspirator rule since his participation was not voluntary. Following this reasoning the defendant would not be responsible for the acts of any of his co-felons committed in the furtherance of the crime.

The prosecution asserted that the defendant voluntarily joined the conspiracy. The motive cited was that defendant needed the money to cover his heavy gambling losses. In the alternative, Messers Jay Lambert and John Rolli, in charge of the case for the prosecution, contended that the defense of coersion and duress was not sufficient to excuse the defendant's participation in the burglary.

As exemplified by these two sessions, the program affords the student an opportunity to encounter realistic trial situations. Thus the participants gain a most beneficial experience for their later practice which would otherwise be unavailable.

(Continued on Col. 4)

BOARD OF CONSULTORS VISITS THE LAW SCHOOL

The Board of Consultors held their annual day of visitation on March 8, 1968. During the day the consultors sat in on various classes, met with the faculty and Dean Reuschlein, and enjoyed an evening dinner. However, this year there was a new addition to their schedule.

This year members of the Board of Consultors met with five student groups to discuss various matters of interest to the students and the law school. Participating in the five groups were students representing the Student Bar Association, The Honor Board, THE LAW REVIEW, The Moot Court Board, The Inter-Club Council, and THE DOCKET.

The Pass-Fail grading system was one topic of great interest. However, more than one of the groups felt that a complete pass-fail system was not advisable. One recommendation made was the possibility that during each of the last two years one course could be taken, at the election of the student, for a pass-fail grade.

Another topic covered was that of more practical experience in the mechanics of practice before graduation. This would include the continuation of the practice course and more participation in Community Legal Services and other similar programs. The possibility of credit for such practical work was also mentioned.

Another area which was covered was the placement of graduates after graduation. It seemed doubtful that small firms would be willing to engage in active recruiting at the law schools, but help from alumni who know of possible opportunities might be another way to learn of available jobs.

Many other subjects were discussed including a teacher evaluation program; the requirements and restrictions on membership to THE LAW REVIEW, with the suggestion of possible expansion; scholarships for second year students who were not on scholarship in first year; and the possibility of the SBA being able to sell textbooks and hornbooks directly to the law school.

After the meetings, most students seemed to agree that the time spent with the consultors had been very profitable. All hoped that such a program would be continued in future years.

Social Light

Serge Warner, 70, was married to Judith Steele of Akron, Ohio. Law students in the wedding party included Joseph Marino and James Watt.

Anthony P. LaSpada, '70, and Cheryl Montemorro have become engaged. Cheryl is a Public Health Nurse. They have set August 4, 1968 as their wedding date.

Paul F. Chaiet, '70, has become engaged to Judi Stokhamer. Judi is employed as a teacher. August 18, 1968 has been set for the wedding.

John R. Doubman, Jr., '69, is engaged to Barbara Collins. They plan to be married on May 25, 1968. 1968.

Milton Rosenblatt, '70, and Susan Silvers have announced their engagement. Susan is employed as a medical assistant in Philadelphia. A tentative date for the wedding has been set for June 1969.

Thomas R. Harrington, '68, has become engaged to Patti Gorman. Patti is a secretary. They will be married on September 7, 1968.

Moot Court

(Continued from Page 1)

spondent in September 1966 that it would close the Bridgeport canning plant for economic reasons, and would consolidate all canning at the Wilmington plant. Petitioner offered to bargain over this decision, but Respondent refused and protested this action. The Board held that the closing of the canning plant during negotiations disclosed an anti-union animus and constituted an unfair labor practice. The United States Court of Appeals, Third Circuit, affirmed the Board's decisions, *per curiam*, and the case comes before the United States Supreme Court, for review.

The Reimel Competition is a voluntary moot court program open to all second and third year students. Participants write an Appellate Brief and argue in a series of elimination rounds before three man benches of the Bar and Judiciary. This year the law school was honored to have three Common Pleas Judges from Philadelphia sit as the Chief Judges for the Quarter-final Arguments, and six members of the United States District Court for the Eastern District of Pennsylvania hear the arguments in the Semi-final Round. Saturday's argument is the culmination of the competition.

After the argument, a reception will be held in the lounge, at which time all students will have an opportunity to meet and talk with the distinguished members of this year's court. Following the reception, the Moot Court Board will hold its Annual Dinner, at which the members of the court and this year's participants will be the honored guests. At this time, the Theodore L. Reimel Award will be presented to the Law Club of the winning team. In addition, a plaque will be presented to the Law Club whose members won the highest percentage of decisions in the second year single-round moot court program.

SBA REPORT

FUTURE ROLE EXAMINED

by JAMES GALLAGHER

At a recent SBA meeting Mike Kennedy and Barry Garbarino led a discussion of student involvement in the law school environment and the role of the SBA. The stimulus for SBA evaluation was the recent formation of the Faculty-Student Committee, which will necessarily touch upon functions previously viewed as within the purview of the SBA. Since the capabilities of both bodies are unique, the consensus was that only those areas in which the SBA could function more proficiently should be retained by the SBA. The Faculty-Student Committee was viewed as best equipped to deal with matters involving personal grievances and those requiring comprehensive student leadership samplings.

Barry Garbarino opened the two hour meeting with a presentation of the functional categories of law school activities and the SBA's present action and future capabilities in relation to each. Each category was examined in the context of the feasibility of SBA treatment as contrasted to exclusive Faculty, Faculty-Student Committee, ICC, DOCKET, or Honor Board treatment. Those areas in which SBA control and guidance appeared more efficient and proficient were singled out and standing committees were voted to provide continuing guidance and to develop expertise in the designated areas among committee members. The following standing committees were instituted: Library, Academic, Forum, Coffee, Social, Law Student Division of the ABA, Book Exchange, and Orientation.

Prior to the vote on standing committees, Mike Kennedy offered an astute commentary on the contemporary law school environment after which he submitted reform proposals designed to elicit responsible involvement by the students. Mike perceived a pervasive apathy among the students due to centralization of the control of student activities in a small group of leaders who tend to preserve their role prerogatives. This combined with a multiplicity of roles pursuing identical or similar ends results in disintegration of the purposeful pursuit of worthwhile goals. This splintering of activity often results in disorientation and disinterest of students toward desirable ends, particularly when students feel that they are unable to make contributions toward achieving these ends and thus are unable to identify with them. Indeed, instead of identification with worthwhile activities there is a decided negative response to them. The first step in remedying this situation is definition of leadership roles with functional exclusiveness.

Furthermore, student participation in their government must be broader based. Standing committees should be composed not only of elected representatives, but also of other interested students who would be willing to contribute their time and energy to see their ideas achieve fruition. Such involvement would also help bridge the communications gap between student leaders and the student body. In furtherance of this objective there should be a concerted effort toward intensive personal communications between student leaders and students.

Moreover, a lack of communication is also in evidence between Villanova and other law schools and colleges in the area. This neglect should be remedied in order to integrate Villanova into the metropolitan Philadelphia academic community—one of exceptional quality.

Presently there is a lack of constructive exchange between organizations within the law school. Integration of law school organizations should be effected if purposeful pursuit of desirable goals is to be realized. Exchange of ideas among the LAW REVIEW, SBA, DOCKET, Honor Board, and ICC has been minimal at best, primarily taking the form of interpersonal exchanges among the respective memberships. This social osmosis is certainly faulty since ideas conveyed by such a mode lose shape before they can be considered by the proper implementing organization. Improvement of organizational communication should also contribute to involvement that would undermine apathy.

The SBA is committed to improvement of all aspects of the law school environment. Past attempts to stimulate student interest in affairs of their school have met with limited success. Indeed, most such attempts elicited predominantly negative reactions from the students. Presently a new approach is being tried. A complete reexamination and rejuvenation is being effected. The SBA solicits your needed support.

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FACULTY EXPLAINS VIET NAM POSITION

by PATRICK J. MANDRACCHIA

In late 1967 various notable members of the Harvard Law School Faculty mounted a campaign to solicit support from the faculties of the nation's other law schools for a petition (a replica of which appears below) critical of the current status of our involvement in South Viet Nam. In mid-February, the Villanova Law School Faculty was presented with the petition. Seven instructors signed. THE DOCKET believes that a survey of the reasons why the members of our faculty signed or declined to sign the petition would be of considerable interest to all our readers. We therefore decided to interview the members of the Faculty. Their response and cooperation were laudable. Appearing first in the ensuing rundown, in alphabetical order, are the views of those instructors who signed the petition.

1. **Mr. Abraham** commented that if we were to assume that our goal of saving Viet Nam from Communism is a justified one, the various means which we are employing to that end are immoral at least in view of the substantial loss of American and Vietnamese lives which the war is leaving in its wake. Secondly, he does not believe that the means which we are employing are capable of achieving the aforementioned goal. Thirdly he feels that we should forthwith discontinue our bombardment of the North, for this would certainly pave the way to immediate peace talks. The San Antonio formula requiring the Communists to promise that they will not exploit a discontinuation in the bombing by a step-up of their infiltration into the South seems to be a meaningless condition which will preclude negotiations, especially in view of our traditional proposition that the promises of the Communists are worthless. He suggested that after talks have commenced, our capable surveillance system could easily detect any increase in infiltration which might then be the signal for us to resume the bombing.

2. **Mr. Brown** defines the chief American interest abroad as the protection of viable (popularly supported) democratic governments which will be favorably disposed to our foreign policy. He stated that we must weigh this interest against the expenditure we will have to make in order to sustain these governments. He added that there is no prospect in sight of such a government burgeoning forth in Viet Nam. Secondly, he remarked that this is a genuine civil war and that the vast reservoir of antipathy which the Vietnamese feel toward China and the independence in mapping out policy which Ho Chi Minh has evinced since assuming control, strongly militate against the notion that the struggle in South Viet Nam is a war of national liberation under the close scrutiny of China or Russia. Thirdly, Mr. Brown answered one of the basic objections to withdrawal of American forces (the certain jeopardy which the current South Vietnamese government officials will be plunged into) by remarking that it would be far wiser and humane to provide these officials with asylum than to perpetuate a policy which is calculated to decimate a whole people.

3. **Mr. Carnes**—"Viewed in the continuum of history the war in Vietnam is merely one more of mankind's wars. Yet perhaps 'wisdom is a butterfly and not a gloomy bird of prey' as Yeats comments in his *Meditations in Time of Civil War* and merely another war is not necessary.

"Communism symbolizes a threat which some fear, and to meet that threat we transcend the law which governs us by entering into agreements with every non-communist nation. These agreements are called international law and give us jurisdiction to police the non-communist world.

"It hasn't always been that way. At the high water mark of world communism, circa 1947, we gave our resources to those who would build anew (Marshall Plan) or who would fight Communism (Greece) but we declined to police (China). Then new international law was made by treaty and we began to police the free world environment. (Arbenz in Guatemala, Mossadegh in Iran, Castro in Cuba, Suez, Lebanon, Quemoy, Korea, Laos, etc.)

"How meaningful is freedom which must be policed? Doesn't freedom mean the opportunity to learn the limits and significance of one's own decisions?

"Do we consider how the international law which gave us jurisdiction to police came into being, or have we understood, considered and adopted this law pursuant to any standard of democratic process? Even under our own law have we delineated concepts of 'national interest,' 'international aggression,' and 'American and allied non-nuclear capabilities' and related them to one another and a peace loving society?

"We are pledged to '. . . insure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity . . .' pursuant to due process of law. We are pledged to govern ourselves well.

"When we receive one gold medal in international competition, allow violent crimes to increase by 15% in a single year, buy armored cars for our cities, consider closing down our stock exchange, measure our war in lives rather than victory and permit our vessels to be taken from the high seas, it cannot be said that we are governing ourselves well or wisely. The poise and balance typified by Yeats' metaphor are lost, and we find ourselves in Vietnam.

"I would withdraw from Vietnam within a year. I would watch for the return of that butterfly whose existence is so necessary to the lives in which we believe."

4. **Mr. Cleary** takes the position that any policy which will likely have the end result of slaughtering a whole population deserves to be reconsidered from a moral viewpoint and resort to warfare for the purpose of resolving international disputes is more dubious today than at any prior time in human history. Secondly, he can't conceive of our emerging victoriously, in a military sense, from the bloodbath now taking place in Asia. Finally, taking the view espoused by Henry Steele Commager, Mr. Cleary is convinced that we have clearly overextended ourselves in an attempt to attain a physically impossible end—the policing of the entire globe.

5. **Mr. Dowd** maintains that we committed ourselves to Viet Nam because we concluded that it was imperative to prove to the Communist that we could nip wars of national liberation in the bud, but that we have manifested, beyond dispute, our impotency to achieve such a result. He would like us to immediately formulate and implement a course of action which will eventually result in our withdrawal.

6. **Mr. Giannella** contends that preferable to a divided Viet Nam, the consequence of which has been widespread carnage, would have been a united Viet Nam under the leadership of Ho Chi Minh. For Mr. Giannella opines that an inevitable by-product of such a scheme would have been the development of a healthy nationalism which is doubtless the most impermeable barrier to the spread of communism. He believes we should use our military force only to defend against overt aggression and not to fight so-called wars of liberation which will compell us to bring our military pressure to bear against the grain of the natural and indigenous social and political trends afoot in those countries where such wars are being waged.

7. **Mr. Schoenfeld** expressed deep concern for the pathetic lot of millions of American urban dwellers and said that he was appalled at the authoritative forecasts that cataclysmic racial eruptions may shake the nation's foundations. He believes that the soluton of this domestic crisis must take precedence over our other priorities, including our prosecution of the war in Viet Nam and that in light of the fact that we are possessed of limited resources, we simply cannot have both guns and butter.

The following professors did not sign the petition:

1. **Acting Dean Bruch** declined to sign the statement because it did not seem to him to advance any constructive alternative to the course being pursued by the Johnson Administration. In addition, coming as it did when our forces faced an imminent and critical attack in the Khe Sanh region of Viet Nam, he thought the statement was particularly ill-timed.

2. **Mr. Collins** disclosed that the only reason he refrained from signing the petition was that there was no clause expressly stating that the signatories were out of sympathy with those critics of the Administration's present policy who engage in illegal forms of protest. He suggests that it was foolhearty to have gotten involved in an Asian land war in the first place and that the proper place for us to establish a defense against Communism is in Australia. In any case, he stated that we should have initially availed ourselves of the United Nations' diplomatic machinery. Mr. Collins is vehemently opposed to our national tradition of permitting the Administration and State Department to unilaterally make national commitments of the character which we made to South Viet Nam.

3. **Mr. Frankino** commented that there were various portions of the petition with which he could not agree. He does not feel the question in Viet Nam is a moral or legal one but that is is purely a question of political policy. Mr. Frankino contends that the only relevant question is whether our present course is a wise and adequate means to achieve our strategic foreign policy ends. He stated that based on the facts available, and he questions whether we're getting the "facts," he thinks we should de-escalate and that every effort should be made to secure negotiations and bring about a cessation of hostilities. As this is a political judgment he feels that any effort to correct it should take place at the polls in November. He did, however, agree with the petition's statement on responsible dissent.

4. **Miss Hammond** rejects the proposition that simply because one disapproves of our present course of action in Viet Nam, he cannot be a patriotic American or that he must be a Communist. She believes that even to suggest that such is the case smacks of McCarthyism which was the earmark of a black chapter of our recent history which she lived through and despised.

5. **Mr. Stephenson** regrets ever having gotten involved in a land war in Asia. Yet, he believes it was incumbent upon us to set up and to maintain a front in Southeast Asia to stem the tide of Communism. He strongly disapproves of any measure, such as the circulation of this petition, which in his opinion was designed to embarras the President during the upcoming primary campaign period. He believes that we are obligated to support the people in government at a time of national crisis.

6. **Mr. Valente** — like Professor Collins, he declined to sign the petition solely because of its failure to dissociate its signatories from those war objectors who perpetrate illegal forms of protest. He does not construe the petition as calling for an immediate withdrawal or for a unilateral de-escalation. He said that he opposes the war basically because he is convinced that the Vietnamese people do not have the will to defend their nation. Secondly, he maintains that the carnage, which is the necessary by-product of our military efforts in Viet Nam, is the progenitor of a legacy of bitterness whose likely disadvantages will far outstrip any benefits which our current efforts can produce.

It was recommended that a sounding of the student body's sentiment toward the petition be made. Pursuant to this recommendation, a copy of the petition was posted in Garey Hall and provision was made whereby interested students were enabled to register their approval or disapproval of the petition. Out of a total student body of 399, 146 students participated in the two day survey which was conducted by THE DOCKET. The final count was 74 in favor of the petition, 72 against.

A STATEMENT ON VIET NAM

The undersigned are.....members of the faculty and .....students at the.....Law School.

We are opposed to the present policy of the United States in Viet Nam. We do not believe that our nation has any controlling commitments which require us to continue to pursue that policy.

We believe that the United States cannot by acceptable means succeed in its attempt to secure and maintain the control of the Saigon government over the territory of South Viet Nam by military force, and that the continuing expansion of our military involvement in the service of that end creates an unacceptable risk of world war.

We believe that the terrible violence the war is inflicting on the people of Viet Nam is destroying the society we seek to protect.

We believe that it is wrong and dangerous in these circumstances to continue to subordinate desperately needed domestic programs to the increasing demands this war is imposing on our nation's resources and moral energies.

We reject the suggestion that opposition to the present policy necessarily implies advocacy of a precipitate withdrawal of United States forces or an abandonment of our supporters in South Viet Nam.

We do believe that political and military de-escalation are essential steps towards ending the fighting in Viet Nam.

We believe that our country should take urgent steps, including a prompt reduction in the scope of land and air operations by American forces, to signify our intention to limit our political and military aims in South Viet Nam. We believe that such steps are an essential precondition for the release of those political forces, both within South Viet Nam and internationally, which seek peaceful compromise and could engage in genuine negotiations.

We believe that lawyers can play a particularly significant role in showing that opposition to the present policy is not limited to a few extremists but comes from many moderate citizens at all levels of society and of all political views. We therefore urge lawyers who share our concerns to work for a change in that policy in every legitimate way they can, including the support of candidates committed to such a change.

CALENDAR OF EVENTS

Wednesday, April 17th
Annual Law Review Dinner. Speaker: Supreme Court Justice (ret.) Tom C. Clark.

Friday, April 19th
Fourth Annual Law Review Symposium. Subject of the Symposium: Between Life and Death: Medical, Legal and Ethical Implications of the Act of Dying. Moderator: Prof. Donald W. Dowd.

Friday, April 26th
Annual Law Alumni Dinner, Guest Speaker: Bernard G. Segal, Esq., Williamson's Atop the Barclay Building, Bala-Cynwyd.

Sunday, May 12th
Class Day; Garey Hall.

Monday, May 13th
Commencement at Philadelphia Civic Center, 3:00 P.M.