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## Loyola Digest

Loyola Law School Los Angeles

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# LOYOLA DIGEST

Vol. 3 — No. 1

LOYOLA UNIVERSITY SCHOOL OF LAW

March, 1962

## PRESIDENT'S MESSAGE

By James Schmiesing

President, Loyola Bar Association

NOW that the spring semester is well under way, this would be an opportune moment to look back over the year to discover just what has happened. Contrary to rumor, the Bar Association has been extremely active. At least the length of meetings seems to indicate this.

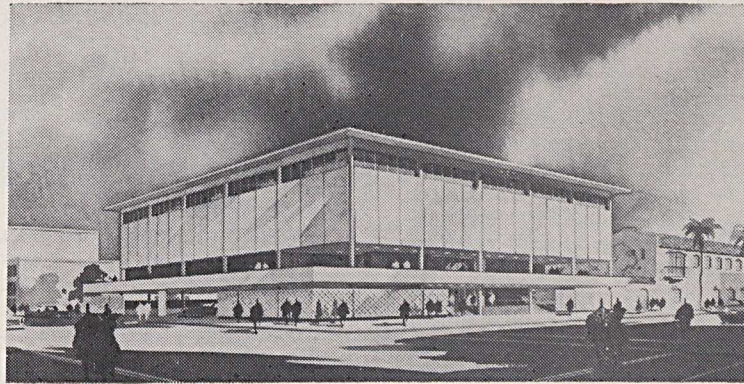
This year has seen the beginning of the reorganization of the Loyola Bar Association. An Honor Code has been drafted under the supervision of Bill Keese and has been approved by the Dean and adopted by the Board of Bar Governors. An Elections Code has been drafted by Hal Mintz and this was adopted also. Both of these will be incorporated into the new constitution which is in the finishing process. Copies of the proposed constitution will be distributed to all students in time for a vote sometime this Spring. The other area in which the Board has concentrated much time, effort, and money is the field of placement. A brochure is being printed that will contain the pictures and a brief biographical sketch of all seniors. Present plans call for this to be distributed to all alumni and other members of the bench and bar that might be interested in Loyola graduates. In addition to this, there will be a placement seminar at which the methods and techniques of applying for positions will be carefully covered. Sample personal resume forms will be distributed to aid the graduates in preparation of their own. This, in addition to the newly formed faculty committee on placement, will be of increasing value in the years to come.

Other activities include the establishment of the Loyola Law Wives. This organization aims at orientating students' wives to the law profession. The moot court program was expanded to enable all second year students to enter the Scott Competition without writing a new brief. For this, credit goes to Walt Klein and the legal writing professors. The Metropolitan News student writing program was undertaken to give students invaluable experience in the field of legal writing. This program, coupled with the expansion of the *Digest*, are hoped to be the forerunners of a law review. And of course the social

## PROJECT '70

"We are now ready to concentrate all our efforts on the financing of the Law School building."

The foregoing is an excerpt from a letter of February 27, 1962, to Editor Garcia from the Reverend Charles Casassa, S. J., president of Loyola University. Father Casassa informs us that Mr. Fritz B. Burns will head up the fund-raising program for the Law School building. Further as-



**DOWNTOWN ADDITION TO LOYOLA LAW SCHOOL, to be built at 12th and Grand Streets, will feature terraces surrounding classrooms, Law Library, open and closed stacks, microfilm rooms, faculty offices. Parking facilities will be on upper and lower levels of building.**

urance is given that at least one substantial contribution has been promised.

The date of actual commencement of work upon the building site is unknown. This will, of course, depend upon the progress made in gathering funds. Since the estimated cost of the Law School building is \$1,750,000 and most of this will be realized by way of contributions, no definite ground breaking date can be set at this time.

However, with the fund-raising drive under way and with the Law School now in first place on the University's "Things To Do Now" list, the prospects are certainly brighter than when Project '70 was first announced less than a year ago.

## WITKIN TO SPEAK AT LOYOLA LAW SCHOOL

(See story on Page 6)

scene has not been totally ignored. The annual dance at the Wilshire Country Club was a success and this semester has seen the arrival of the exchanges with other schools in the Los Angeles area.

Nor have the year's activities been completed. The B. E. Witkin lectures will be presented March 29. In April, over Easter vacation, the American Law Student Association circuit conference will be held in San Francisco. At this meeting, representatives from all the western law schools discuss various problems in the schools and in the profession. Last year the conference was hosted by Loyola and at that time we received invaluable information regarding the law wives and our proposed Honor Code.

It is sincerely hoped that all of these activities have made Loyola a better school, both in the classroom and out. Needless to say all this work needs help to be done. I would thank all those who have done so much this year and urge that many more people engage in student Bar activities. Ideas for the betterment of the school are legion, yet many go unnoticed because never mentioned. Perhaps in the future many of these will be brought forward and action can be taken on them. Remember that this is our school and it is only as good as we make it.

## From The Editor's Desk

On Feb. 20, 1962, John H. Glenn accomplished a three-orbit flight into space. This achievement lifted the self-doubt that had plagued the United States since the first sputnik flashed through the night skies of October 1957. In the race for space this feat is undoubtedly a major break-through.

The field of law is likewise overdue for break-throughs in several problem areas. It has been suggested that the reason for the long delays is not so much that we started late (as the case in the Space race), but that the natural inclination of today's lawyer is to favor the Status Quo. The accusation is that, "... lawyers have by and large had a generally retarding effect upon social change." Likewise the legislator has been exposed to the criticism that, "... more legislation is based on regrets than hopes." Historically, legislation has followed rather than preceded imminent need. More barn doors have been secured after fleeing horses than we care to acknowledge. Nor has the law student escaped censure; "... ours is the Silent Generation; the generation of conformist, security-conscious, drab, unexciting young people dedicated to sweet modulation."

The favorite scape-goat of lawyer, legislator and law student is too often the doctrine of Stare Decisis. Basically this doctrine is a system of law-finding through experience and reason. Strong voices in the law have often pointed to the danger of making precedent more important than it is; "... instead of ingenious research we should spend our energy on a study of the ends sought to be attained and the reasons for desiring them ... to rest upon a formula is a slumber that, prolonged, means death." Whatever the cause, the effect is undeniable—the intervals from Dred Scott to Plessy to Brown are too long. Likewise, the indecisions and procrastinations from Winterbottom to MacPherson to Escola and Cutter Lab. are disheartening. To combat this legal sluggishness, the advice of Robert Hutchins is tendered: "Only if we can tear ourselves loose from our prejudices, from our ideology, from slogans, only if we can take a fresh look at the world and exercise the same kind of intelligence, character, and inventiveness that the Founding Fathers showed can we hope to revive, reconstruct, and preserve the political community."

### URGENT PROBLEM AREAS IN THE LAW

This issue of the Loyola Digest has directed attention to the relationship of society and the individual. The compelling issues of Subversion, Disloyalty and Capital Punishment have been ex-

(Continued on Page 4)



# CAPITAL PUNISHMENT

## Pros & Cons

### Society's Inherent Right To Self-Defense

By RICHARD B. COLLINS

**I**S THE DIGNITY of man diminished when he exercises the human right of self-defense? Throughout the history of man, the right of self-defense has always been justified in the eyes of the law. The Natural Law can be said to have afforded man the right of self-preservation, and positive law, without equivocation, allows an embodiment of this principle. From this it follows that society as well is entitled, if not to exercise, to have exercised in its behalf the right of self-preservation or its legal synonym, self-defense.

**It is not an employment of vengeance that forms the basis for capital punishment, nor is it punishment in the sense that it extricates an equivalence in terms of reparation. The basis upon which it is predicated is in its deterrent qualities as well as in its remedial certainties which provide society with a protection that it can ill-afford to relinquish.**

Statistics alone will not indicate to us the number of potential criminals who have refrained from committing capital crimes through fear of the imposition of the death penalty. A report made by the Royal Commission on Capital Punishment in 1959, in Great Britain, will help to illustrate the deterrent effect of this penalty:

(1) Criminals who have committed an offense punishable by life imprisonment, when faced with capture, refrained from killing their captor though by killing, escape seemed probable. When asked why they refrained from homicide, quick responses indicated a willingness to serve a life sentence but not to risk the death penalty.

(2) Criminals about to commit certain offenses refrained from carrying deadly weapons. Upon apprehension, answers to questions concerning this indicated a serious desire to avoid more serious punishment by carrying a deadly weapon, and also to avoid use of the weapon which could result in the imposition of the death penalty.

(3) Victims have been removed from a capital punishment state to allow the murder opportunity for homicide without threat to his own life. This in itself demonstrates that the death penalty is considered to be important by some would-be killers.

The certainty of the death penalty provides one of its most important justifications. We need not fear a repeat performance from a murderer who has been put to death. Even though proponents of abolition of this penalty speak of humanitarian principles which promulgate theories that a murderer can be rehabilitated, is the return so great as to justify the risk that such a man might, per chance, once again commit murder?

**Isn't it safe to say that once a man has committed a murder, he is more likely to commit another than would a man who had never done so? Must we abandon our right to self-defense in deference to the sanctimonious appeal that it is a higher authority than man only, that can claim the life of another man? If this is so, how do we justify war? Do we predicate our values on the NUMBER of lives that may be lost? I suggest that the proponents of doing away with the penalty tell us what the magic number is. If taking a life under our legal system is barbaric, as some put it, then should we submit to the threat of aggression by foreign countries on the same basis?**

Since this problem cannot be reconciled in terms of absolutes only the most naive would fail to see the relative merits of both positions. Assuming that an adequate substitute could be provided which would eliminate the need for capital punishment, that is, legislation that would not permit of parole or pardon, or the perfection of psychology and psychiatry so that a sick mind could be permanently cured, how would the proponents for abolition of the penalty be able to circumvent the cruel and unusual punishment clause of the 8th amendment of the Constitution of the United States? They might under the assumption that mental rehabilitation can be attained through the sciences of the mind, but this position seems rather untenable at this time. This leaves only life imprisonment as a remedy. Can a system of penology be justified whereby a human being is made to endure retribution from society for the rest of his life when in fact he is sick? Why is it retribution? Because self-defense is exercised only when danger is present, and is not and should not be exercised as a continuing purge of those against whom it is necessary for us to defend. Self-defense is an inherent right of society, let us not part with it until an adequate substitute can be assured.

### From Socrates To Robespierre To Chessman—"No Gain"

By HERB FORER

**C**APITAL PUNISHMENT forced Socrates to drink the hemlock, compelled Robespierre to go to the guillotine and sent Chessman to the gas chamber. Untold lesser luminaries have been legally lynched by the death penalty. Can we justify it morally or as a pragmatic necessity?

"The only moral ground on which the state can conceivably possess the right to destroy human life would be if this were indispensable for the protection or preservation of other lives." **Majority report of the Massachusetts Special Commission to Investigate Abolition of the Death Penalty** (page 36, 1958).

Does the taking of human lives by the state help protect and preserve other lives?

**Society sets as one of the main purposes of its penal system the rehabilitation of the criminal. By killing, society admits there is no hope of rehabilitation for the condemned and therefore justifies its chosen role as exterminator in the name of self-protection.**

**The clear implication is that the murderer, once having murdered will do it again. But this is not borne out by the facts. Most homicides are committed by people who have no prior criminal record. Usually they are hard working family men; the victims are usually close relatives killed on impulse. The likelihood that this man will kill again is remote.**

The report of the British Royal Commission on Capital Punishment (1953 pages 216-217) in discussing the murderer who is sent to prison said, "The evidence given to us in countries we visited (including the U.S.) and information received from others were uniformly to the effect that murderers are not more likely to commit acts of violence against fellow prisoners or the authorities, or to attempt to escape on the contrary it would appear that in all countries murderers are on the whole better behaved than most prisoners."

Not only inside prison is the murderer less of a problem but once released on parole he is a better parole risk than those who have committed less serious crimes. A study of parolees in California between 1946 and 1949 showed that of those who were paroled after committing a homicide only 2.5 per cent became parole violators, whereas the figures for other felonies ranged from 20 per cent to 31 per cent (33 Washington Law Review 346, 1958). Based on the above statistics it appears that society is destroying a citizen it might rehabilitate.

Annually in the United States there are approximately 7000 non-negligent homicides; yet fewer than 55 persons are put to death each year. Commenting on this, the Massachusetts Commission observed that, "an examination of those executed would show that they are not more dangerous and deserving of the punishment than those we do not kill. To a considerable extent, the choice of those to be executed depends on chance factors that have nothing to do with the merits of the case."

Warden Lewis Lawes emphasized this, in his book, **Twenty Thousand Years in Sing Sing**: "The death penalty is inherently discriminatory not because the law or its juries patronizingly favor the rich, the white and the better educated but because these groups have access to more effective ways and means of producing capable and reliable witnesses and lawyers. The result is that the death penalty is selective and enforced upon men rather than women and more particularly upon males who are Negro, poor or less educated."

Warden Lawes views are substantiated by the fact that from 1939 to 1959 there were 3666 executions in the United States. Of these 1972 or more than half were Negroes, even though the Negro population in the United States comprises only 10 per cent of the nation's population. (73 Harvard Law Review 8, 1960).

Perhaps the death penalty can be justified on the ground that it is a deterrent to the commission of homicides.

Warden Duffy of San Quentin in a talk at the 86th Annual Meeting of the Congress of Correction (1956) said, "I have asked thousands of prisoners who have committed homicides and not been sentenced to death, whether or not they thought of the death penalty before the commission of the act. . . I have to date not had one person say that he had ever thought of the death penalty prior to the commission of his crime." The Massachusetts Commission found substantially the same situation during their investigation.

**Proponents argue that the effect of the death penalty as a**

(Continued on Page 7)



## Prof. W. H. Cook Leaves Loyola

Walter Henry Cook, Professor of Law Emeritus, retired this fall after twenty-seven years of service to Loyola University School of Law.

### Education

A glance at the current school Bulletin reveals that Professor Cook received his A. B. from Western Reserve University in 1905, that he received his LL.B. in 1908 and his M.A. from the same institution. On further observation it will be seen that Professor Cook was engaged in the general practice of law in Ohio from 1908 to 1911, and that he has been a member of the Faculty at Loyola since 1934.

The Bulletin does not disclose, however, that Professor Cook taught History at Central High School in Cleveland, that from 1913 to 1914 he was a substitute professor for Dr. E. J. Benton, Head of the Dept. of History at Western Reserve University, or that he was a full time professor of law at Los Angeles College of Law from 1929 to 1933. Nor does it reflect the authorship of an "Outline for Study in Securities" and "Secret Political Societies During the Period of Reconstruction."

### Subjects Taught

Among the numerous legal subjects taught by Professor Cook during his active teaching career were Contracts, Real Property, Legal History, Future Interests, Sales, Bailments, Trusts, Torts,



WALTER H. COOK  
Professor Emeritus

Securities, Landlord and Tenant, and Personal Property.

Even after a relatively short acquaintance with Professor Cook, one receives the impression that his personality embodies the spirit of Loyola Law School, not only in the past, but also in the present and the future. Professor Cook, the educator, has enhanced the professional value of every student who has had the privilege of studying under his direction. Mr. Cook, the lawyer, has earned the respect of his colleagues in the legal profession. Walter H. Cook, the man, has endeared himself to all who know him.

In the future, Walter Henry Cook, Professor of Law Emeritus, will periodically return to the podium to conduct specialized seminars. First year students will have the opportunity to meet this man who, in his own lifetime, has become a legend at Loyola.

### NO BULL— IT'S THE LAW

Pierce's Code, Section 1953, of the laws of the state of Washington, provides for the castration of a bull three times if he is found running at large.

The highest money judgment ever recovered was entered in 1922 in the Superior Court of Santa Clara County, California. Suit was brought on a note bearing 10 per cent interest compounded monthly. The judgment was for \$304,840,332,912,685.16. The defendant subsequently went through bankruptcy.

Harold W. Kennedy, County Counsel

# LOYALTY

## A Condition Of Employment

THE NEED FOR PUBLIC LAW OFFICERS to take an active, militant stand against the spread of Communist and subversive activities in government stems from the large infiltration of Communist sympathizers and subversives into federal employment during the last two Roosevelt administrations. At the same time there occurred a similar infiltration into state and local governments throughout the Nation, including the public schools. As consciousness of the aims and activities of the Communist Party grew, action was called for by public officials to provide some machinery to combat the spread of subversion in government.

### County Oath

On August 26, 1947, the Board of Supervisors of Los Angeles County adopted a program designed to weed out subversives in County government. The heart of the program consisted of a loyalty fact-finding committee consisting of the County Counsel, County Administrative Officer, Sheriff, and Secretary of the Civil Service Commission to supervise the loyalty-check program and formulate an oath and affidavit to be executed by all employees. The oath and affidavit, drafted by the County Counsel, consisted of four parts:

- (1) Oath of Office and Employment;
- (2) Affidavit re Subversive Activity;
- (3) Affidavit re Aliases; and
- (4) Membership in Organizations.

The program was adopted by resolution of the Board of Supervisors as recommended.

One week after the adoption of this program, 16 County employees filed complaints seeking to enjoin the County from requiring them to execute the oath and affidavit. The Trial Court dismissed the actions, and the judgments of dismissal were affirmed by the District Court of Appeal (*Steiner v. Darby*, 88 CA 2d 481). In its opinion the Court said:

"The people of the State of California are supreme and have the undoubted right to protect themselves and to preserve the form of government which they have adopted against any and all enemies whether they be domestic or foreign."

Thus, the first clear-cut decision was rendered upholding the right of a governmental unit to require a loyalty oath of its employees.

In October of 1952, the litigation contesting the right of the County to require its employees to subscribe to a loyalty oath and the right to discharge such employees if they refused to do so was decided by the California Supreme Court in *Hirschman v. County of Los Angeles*, 39 Cal. 2d 698. The Court again held that public employees may properly be required to furnish information regarding their memberships in organizations which, to their knowledge, have advocated the overthrow of the Government by force and violence, and may be discharged for failure to do so.

### State Follows Lead

Following the lead of the County Loyalty Oath, the constitutionality of which had been upheld, the State Legislature in 1950 enacted Section 3103 of the Government Code (commonly referred to as the Levering Act) which provided for a similar loyalty oath for all public employees. The constitutionality of this oath was upheld by the California Supreme Court in 1952 (*Pockman v. Leonard*, (1952) 39 Cal. 2d 676).

Thus, within five years, from 1947 to 1952, the County oath was born—tested—upheld—and superseded on the State level. However, it was the testing of this oath that led the way in firmly establishing the right of a governmental unit to require its employees to affirm their allegiance to our form of government.

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## LOYOLA DIGEST

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## Sidney Graybeal Morgan Registrar At Loyola

Seven cities claimed Homer, as a native son. Almost as many states have a claim on Mrs. Morgan, long identified in various and sundry capacities with Loyola Law School.

Her earthly pilgrimage began in Illinois with West Virginia, Wyoming, Colorado and California providing the locale of her travels as she moved east and west in quest of the Star of Empire and the shore by the Sunset sea.

Twenty years at Loyola have confirmed the wisdom of her choice in following the great trek westward and puts the Grand Maison in Zone 15 deep in her debt.

Mrs. Morgan is so intimately connected with the operation of the School, that it is difficult to determine where one begins and the other ends. Referred to generally as Registrar, this is scarcely 15 per cent of her administrative work. If seven cities claimed the classic Greek, she fills as many offices in the course of a school term,—what with Registrar, recorder, admissions clerk, bursar, administrative assistant, information and secretary-at-large. As one of the learned graduates put



MRS. MORGAN

it, "No matter where Loyola is operating—professionally at the School, socially at the Beverly Hilton,—if you see Mrs. Morgan you know you are in the right place. Twenty years mark an era in the life of Loyola Law School—the Morgan Era.

## From The Editor's Desk

(Continued from Page 1)

amined. Like all significant issues there are always at least two conflicting arguments that warrant serious consideration. In the problem area of subversion and the more nebulous area of "disloyalty" lies the delicate task of reconciling the needs of individual liberty with national security. The problem has been pointed up—the security of our country and its government on the one hand and the freedom of the individual on the other must be delicately balanced so as to preserve each. Mr. Harold W. Kennedy, County Counsel for Los Angeles county, is our guest writer for this issue. He has been more than generous in preparing his article, "Loyalty—A Condition of Employment", for the Digest. Considering the great demands of his office, Mr. Kennedy's sincere cooperation leaves us deeply indebted. To give adequate treatment to this problem area Mr. A. L. Wirin has been contacted by the Digest to present the other side of the controversy. Mr. Wirin's article, "Civil Liberties—in Clear and Present Danger", will be featured in the forthcoming issue of the Digest.

The problem area of Capital Punishment likewise necessitates immediate attention. Gubernatorial candidates may choose to ignore the issue as, "... too hot to handle", but, the problem remains. The student cannot afford the luxury of evasion. For that reason students Herb Forer and Richard Collins have addressed themselves to an analysis of each side of the problem. **Do we deal with criminals on proper principles? Must we consider the criminal rather than the crime? Should greater emphasis be placed on the protection of society or rehabilitation of the criminal?** These are questions that those in responsible positions of public office have long circumvented. Mr. Forer and Mr. Collins have bravely directed themselves to queries that are ultimate. It would appear that by facing these issues squarely the Silent Generation is breaking the silence.

On Feb. 20, 1962, Col. John Glenn indeed served his country. Legislator, lawyer and student are invited to contribute toward major breakthroughs in the Law. Tremendous changes are going on, and still greater ones are impending. Our situation has changed too fast for our ideas. **There is an urgent and immediate need for alacrity in the law;** ... It is not impossible to have a reasonable respect for Stare Decisis and still move forward. All that is needed are willing hearts, open minds and dedicated souls.

To the many who contributed to this issue under the compulsion of unreasonable deadlines from the editor ... we salute you! Don't go away, we have just begun to work!

—H.G.

## DEAN DIBBLE INAUGURATES SEMINARS

J. Rex Dibble was named Acting Dean of the School in 1960. Since then he has effected many excellent administrative changes and, with the advice of the faculty, worked out several interesting innovations in the curriculum. Prominent among the latter is the Saturday seminar program which was begun at the School in the spring term of this year.

### Saturday Seminars

There are at present two such Saturday seminars offered, Labor Law conducted by Professor Ogren and Legislation conducted by Professor Yerkes. The participants in these courses are a limited number of advanced students from both the day and evening divisions. The flexible, informal seminar format affords special opportunities for independent research and contribution, and the course grades will be determined on this basis rather than by examination. The enthusiastic response of those attending the new seminars has been very gratifying to both Professor Ogren and Professor Yerkes. It is hoped that the Acting Dean will be able to enlarge this program in the coming years.

### Garcia New Editor

On February 24th of this year, Humberto Garcia, third year day, was appointed Editor-in-Chief of the LOYOLA DIGEST. He takes over the spot vacated last November by Michael Conlon.



DEAN DIBBLE

## Justice McComb Is Honored

The St. Thomas More Communion Breakfast is Sunday, March 18. Mass is scheduled for 10:00 a. m. in the Loyola University Chapel. Breakfast will follow at 11:00 a. m. in Malone Memorial Student Center.

At the breakfast the society annually honors an outstanding lawyer or jurist exemplifying the principles of St. Thomas More. The Honorable Marshall F. McComb, Associate Justice of the California Supreme Court, will receive this year's award for his 35 years of loyal service on the bench.

All students, alumni and guests are invited. Tickets may be obtained at the door.

## JUDGE LOUIS H. BURKE

By Tony Murray

THE PRODUCT of a school is education, and there is no better rule by which the excellence of a school's product can be measured than by its alumni. The success of Loyola Law School in achieving its goal is admirably attested to in the person of Louis H. Burke, Presiding Justice of the Fourth Division, Second Appellate District of the District Court of Appeal in California. Judge Burke, despite the tremendous amount of time and work that his position necessitates, was eager to grant this interview for which we are indeed fortunate.

In 1926 Judge Burke received his LL.B. degree from Loyola Law School, practiced Law in Los Angeles, and served as City Attorney of Montebello for 19 years. He was appointed to the Superior Court in 1951 and in 1958 his confreres elected him Presiding Judge.

Rising to an urgent need, Judge Burke embarked upon a course designed to ameliorate the distressing problem of California's soaring divorce rate. The result was the reorganization of the Conciliation Court with trained counselors and commissioners. Today it is rated as the best of its kind.

As advice to law students, Judge Burke offers the suggestion that young lawyers not overlook the public offices such as District Attorney, County Counsel, and City Attorney, wherein invaluable court experience and familiarity can be gained early in a legal career. He advises night students to investigate the opportunities for full-time employment as law clerk-bailiff in the Superior Court.

In a 1961 article on court reform, the laudable accomplishments of Judge Burke were acclaimed by Fortune magazine. Loyola Law School may point with pride to the man described in Fortune as, "a Lincolnesque six-footer with a warm heart for people and the law, and a cold, cold eye for red tape and time wasting."



# Blackstone's Commentaries

"MONTEREY REVISTED" would be a catchy label to record the Annual Convention of the State Bar in the tag end of September—Four years ago it was the scene of the same gathering, much was attempted, much accomplished, with business and pleasure, producing a delightful blend. . . . And when it was all over, and the 30th Annual Convention folded its tent, it was not without hope that California's first Capital would soon again be the rallying point of the State Bar. . . . It took four years to do it and coming back was not unlike old home week of an elder day. . . . Neither **BOB CLINNIN** '53, new Prexy of the Law Alumni, nor **ALLAN WOODARD** '52, his immediate predecessor, could be there in person but they sure took care of things from afar—not unlike Moses viewing the Promised Land. **HANK BODKIN** '48 and **HUGH MACNEIL** '48, performed valiantly in their place and exercised the delegated jurisdiction with superb judgment and exquisite skill. The result was the finest Symposium since the memory of a man runneth not to the contrary. . . . or as **JOHN MALONE** '52, who has never missed a party, put it, "everything connected with the Symposium, consumers and consumed, smacked of taste and elegance" . . . The **HONORABLE LOUIS BURKE** '26, was among those present. . . . the sovereign State of California was so pleased with his superior achievements in the Superior Court that his Excellency the Governor appointed him Presiding Justice of a new division of the Second Appellate District. . . . **BALDO KRISTOVICH** '38, Public Administrator, back from six weeks' jaunt in the land of his forbears, seeking out claimants to the estate of a recently deceased Jugo Slav who died intestate, leaving a near three million to whet the appetites of his kindred. . . . Competent, dependable, **BALDO** looking the part of a better judge, can be relied upon to make an equitable distribution of the jack. . . . Looking down San Pedro way, the Governor very recently beckoned **WALTER BINNS** '39, and urged him to put aside his practice and bring the bench of his area the long experience he acquired facing the court. . . . **JUDGE LEO DEEGAN** '39, recently emerged from his Riverside hide-out to participate in the Monterey conference of judges. . . . He lost little time in getting back to the country bailiwick. . . . In a class by himself, when it comes to living beneath the cedars and the stars is **GEORGE CHATTERTON** '26, former City Public Defender, who numbers every day lost not lived within the shadow of Whitney. . . . **FRANK WOODHEAD** '39, started his law in '32, working in an office job with Pacific Employers just around the corner from the Grand Avenue Maison. . . . Graduated in 1936, receiving the W. Joseph Ford Award for superior performance. . . . He continued with Pacific Employers becoming house counsel some years later. . . . After twenty-nine years of association, **FRANK** recently announced a new address. . . . He's with Jos. W. Jarrett at 315 W. Ninth Street, still not far from the school where he got his start. . . . **MARY GERTRUDE CREUTZ** added a touch of grace and dignity to the distaff side of the profession. She always appeared at the right panel discussions, brought illumination into dark recesses and generally made sense out of nonsense. . . . George Hadley's Musketeers. . . . He's counsel for the Division of Highways and specializes in eminent domain to provide more freeways for Freedom Riders—**MONTOYA** '51, **HOEGSTEDT** '49, **FRANK** '52, and **DANKERT** '55, mobilized for the good of the cause, and in doing so, knocked a lot of fun out of the operation. . . . **EDMADRUGA** '55, formerly counsel of one of the fishing industries working out of San Diego and now an executive of the Company, showed up with his charming wife. . . . This was a Law School romance with ED getting an LL.B. and the Assistant Registrar a **MRS. . . BILL TUCKER** '56 and **HENRY BOGUST** '55, left the senior partner in charge of the shop while they proceeded to add fun, frolic and charm to Old Monterey, The "UXORES", of course, provided the charm. . . . San Bernardino was represented by **JUDGE CUNNINGHAM**, who has borne the burdens of Executive and Legislative offices so long and so successfully that he doesn't need a judicial robe to distinguish himself from the rest of the court. . . . And **STEVE WILLIAMS** '50, is putting on the judicial mien and heading benchwards with alacrity. . . . After filling quasi-judicial jobs and serving on the Adult Authority, all with competence and understanding sympathy—**JIM TANTE** '48, was a natural for the bench. The Chief Exec wasn't too slow to recognize this and the Municipal Court is now the beneficiary of his excellent judgment and superb taste. . . . **ALAN G. CAMPBELL** '36, long identified with the City Attorney's Office and recently with the Metropolitan Water District as Assistant General Counsel, has been so enriched with law and experience that he is a veritable treasury of legal-know-how. . . . Custombuilt for the Bench, his recent appointment to the Municipal Court, starts him on the ascent to judicial eminence. . . . Reaching into the rarefied atmosphere of Beverly Hills the beckoning finger of the supreme Executive

# LOYALTY

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## Teachers

Due to a provision in the Education Code (Section 8455) prohibiting the teaching of Communism in the public schools and making a violation thereof grounds for discharge, it became apparent that some means should be set up to test the loyalty of teachers in the schools. The County Counsel's Office therefore prepared a program designed to this end and pursuant thereto, on September 22, 1952, the Los Angeles City Board of Education adopted rules similar to those enacted by the County. One provision of these rules required that the employee has a duty to appear and answer the questions regarding subversive activities when subpoenaed before certain Congressional investigating committees or when ordered to appear before the Los Angeles City Board of Education or the Superintendent of Schools; that the employee who fails or refuses to answer under oath any such questions shall be guilty of insubordination and shall be dismissed from employment in the manner provided by law.

On October 28, 1952, Mrs. Jean Wilkinson refused to answer the questions of a Senate Committee relating to her membership in the Communist Party. A trial was held to determine if cause existed for her dismissal, and appeal followed from the decision in favor of the Board of Education. The District Court of Appeal, in May 1954, with Justice Drapeau writing the decision, stated:

"When defendant refused to answer the questions asked her, she was found guilty of unprofessional conduct as an employee of the school system. The trial court had no discretion other than to so find."

(Board of Education v. Wilkinson, 125 Cal. App. 2d 100).

Another test of the Board rule of September 22, 1952, came after Frances R. Eisenberg refused to testify before the Senate Fact Finding Committee on Un-American Activities on October 28, 1952.

Pursuant to Mrs. Eisenberg's demand for a hearing, the Board filed a complaint with the Superior Court alleging that cause existed for her dismissal. The Trial Court found the charge to be true, and that it was sufficient grounds for dismissal. On appeal the question was — Whether a teacher in the public schools has a constitutional right to her position after invoking her concededly constitutional privilege of refusing to answer the question: "Are you a member of the Communist Party of Los Angeles County?"

The Appellate Court affirmed the judgment of the Trial Court (Board of Education v. Eisenberg, 129 Cal. App. 2d 732), and a petition for hearing by the Supreme Court was denied.

## State Legislation

In 1951 and 1952, the California Senate Investigating Committee on Education became concerned with the problem of subversive teachers in the field of public education and as a result of their report on the subject, the Legislature in 1953 enacted into law Sections 12951-12958 of the Education Code. This law, prepared by the Office of the County Counsel, became known as the "Dilworth Act."

At the same time as the Legislature was passing the "Dilworth Act" it enacted similar legislation pertinent to governmental employees other than those employed by school districts (Section 1028.1 Government Code). The Luckel Act, as it was commonly referred to, was upheld against constitutional attack in 1954 (Steinmetz v. California State Board of Education, 44 Cal. 2d 816, Certiorari denied by United States Supreme Court; 351 U.S. 915), and thus the right to inquiry into an employee's Communist affiliations and loyalty was firmly established.

The Luckel Act was again tested on April 20, 1956, when two employees of the County of Los Angeles appeared before the Subcommittee on Un-American Activities of the United States House of Representatives and refused to answer questions dealing with knowing membership in the Communist Party, claiming

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authority in the State of California, summoned **JOHN W. OLSON** '43, and designated him Judge of the Municipal Court. It takes a Bar Convention to get the lads and lassies out, but the Symposium really gets them into the spirit of the occasion.



# WITKIN TO ADDRESS LAW CLASS AT LOYOLA

B. E. Witkin will present two lectures at the Law School on Thursday, March 29. The lectures are scheduled for 11:00 a. m. and 6:00 p. m. All interested members of the bar as well as students are invited to attend.

## Subjects

The subjects of the lectures were chosen as topics of vital concern. The morning program will be on the recent developments in the field of tort law, with particular emphasis on the growing areas of malpractice and warranty liability. The evening session will be devoted to legal analysis, both in the practice of law and in the preparation for examinations, especially bar examinations.

Mr. Witkin was born in Massachusetts and received his A.B. from the University of California in 1925. He received his LL.B. from there in 1928. He was admitted to the State Bar of



B. E. WITKIN  
Author

California in 1927 and is currently a member of the San Francisco Bar Association. His

practice of law has varied from private practice in San Francisco to law secretary for Phil S. Gibson, chief justice of the California Supreme Court, reporter of decisions for the Supreme Court and District Courts of Appeal, and draftsman for Judicial Council Rules on Appeal, particularly the Law of Appealability and Extraordinary Writ.

He has conducted review courses for the California Bar Examinations in San Francisco and conducted refresher courses for veteran lawyers following World War II under the auspices of the State Bar.

## Publications

But he is primarily noted for his publications: Summary of California law now in its seventh edition, California Evidence, and California Procedure. He is currently engaged in the preparation of a treatise on California Criminal Law and Procedure.

The Loyola Bar Association feels that these lectures will be extremely informative as well as interesting.

# LOYOLA LAW WIVES' CLUB ORGANIZED

At the summer Board of Bar Governors' meeting, a resolution was passed to establish a Loyola Law Wives Group. Herb Forer was appointed to help organize such a group. Subsequent to this, Jar Rylaarsdam and Jeanette Devine met with Herb Forer and it was decided to write a letter to all students' wives inviting them to an organizational meeting held Sunday, December 10, 1961. The meeting was conducted in the Loyola Law School Library and refreshments were served. Besides the meeting, Mr. J. Rex Dibble spoke on "YOU, YOUR HUSBAND, AND LOYOLA."

The Law Wives' organizing committee contemplates that the club will continue to sponsor social, educational and service activities. Among these activities will be interesting demonstrations, speakers prominent in the legal field, theater parties, picnics and dances. All wives will be invited to these functions.

# Loyola Women In Law

By Mary Flanagan

In the early days of Loyola Law School few women students graced its halls. Ann O'Keefe was the first feminine addition to the student body, and the school continued to admit women until the year of 1932. From 1932 through 1942 the enrollment was limited to men. The first woman admitted after the ban was lifted was

Mrs. Clemence Smith, who distinguished herself with highest honors, and now is an outstanding Professor and the Assistant Dean of the Law School. The present first year class at the Law School contains ten women students; the total number of women now enrolled is twenty.

One of the early graduates of the Law School was Kathryn Flanagan, who passed away in the Summer of 1961. Miss Flanagan had recently retired from her position as a Referee for the Industrial Accident Commission and was devoting more time to her avocation of painting and to traveling when she was stricken.

A brief rundown on graduates discloses that Florence Mills, who is a Deputy County Public Defender, has recently been assigned to the Criminal Division of that office. Helen Gallagher joined the Corporation Commission as a Deputy Commissioner, as did Mary Carol Scherb. Margaret J. Lund is a court reporter. Clara Kauffman, who practices as a Deputy Attorney General, is also an Associate in Law at the Law School. JoAnn Mares Dunne enjoys an active trial schedule in the U. S. Attorney's Office, Criminal Division. Mary Hawkins has an interesting position as Research Secretary, District Court of Appeals. Betty Marshall Graden is U. S. Commissioner (San Diego County). Millie Stewart leads an exciting life as general counsel to a large export-import firm in Los Angeles. Doctor Louise Gordy is devoting her time to writing a multi-volume

work on medical legal evidence for a large publishing company, and to doing legal work for a private law firm in Oakland.

In the field of private practice, Edith Galpert has announced the opening of her office in Pasadena. Margaret Vail Wooley, an energetic homemaker with three dynamic youngsters, is in private practice in Torrance with her husband, Boris Wooley. Mary G. Creutz, who practiced with the U. S. Attorney's office for several years after her graduation, is now in private practice and active in several professional groups — i.e., the Lawyer's Club and Phi Delta Delta, where she is President of the Loyola Alumni Chapter. Bebe Gualano Coleman, who has recently returned from a European jaunt with her doctor husband, has resumed her Monterey Park law practice. Priscilla McKinney Dunnum, whose husband was recently appointed to the bench, is another leading the interesting dual life of homemaker-lawyer. Rhoda Lander, another homemaker, is engaged in active practice for a private law firm. Elsa Kernan continues in private practice, as do Anna Zasek, Eadie Deutsch, Margaret Keller, Prudence Thrift and Esther L. Speakman.

These are the activities of a few of the women graduates whom Loyola Law School aided in preparing for their professional careers, and Loyola can well be proud of its products.

# LOYALTY

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a privilege to do so under the First and Fifth Amendments to the United States Constitution.

Upon their discharges they appealed to the courts and after trial in the Superior Court, the District Court of Appeal sustained the discharges. Certiorari was granted by the United States Supreme Court and the cases were argued there in January 1960. In a memorable decision that Court affirmed the District Court of Appeal. In so doing, the Supreme Court struck down the contentions of the plaintiffs that they had been discharged because they had taken the Fifth Amendment to the United States Constitution (which prior Supreme Court cases held could not be done) and held with the County that the employees were discharged because of their refusal to answer questions in violation of the Luckel Act (Nelson v. County of Los Angeles, 360 U.S. 928).

One final case remains to be referred to. In *Wirin v. Ostly* the plaintiff had refused to sign the loyalty oath in his application for a Notary Public's Commission. He brought mandamus to compel the issuance of the commission without execution of the constitutional oath. The Trial Court refused to issue the writ, and the judgment was affirmed on appeal (*Wirin v. Ostly*, 191 CA 2d 710). A Petition for Certiorari to the Supreme Court was denied.

Thus, in the period from 1947 to date, the various tools for fighting subversion were tested and retested, not only in the cases which have been referred to above affecting our own local governmental entities, but also in numerous cases from other states decided by the United States Supreme Court. In all of these cases, the delicate task of reconciling the needs of individual liberty with national security have been met.

The president of a bank holds a position of private trust to the depositors. In hiring a cashier he would be derelict in his duty if he did not inquire into the background of the prospective employee. Prior convictions for embezzlement, associations with known felons . . . these are all legitimate areas of inquiry.

The County of Los Angeles holds a position of public trust, to the people of this County. In the area of public employment, the County has a compelling duty of inquiry as to prospective employees. It is not unreasonable to make loyalty to our constitutional form of government a condition of public employment.



# FRATERNITY ROW

## PHI DELTA PHI By Carl Lowthorp Magister, Aggeler Inn

Phi Delta Phi had an activity-filled fall semester. It opened the scholastic year with its semi-annual book exchange, but already during the summer Jim Schmiesing (Student Body President) and Bill Keese (Junior Class Representative) were Loyola's representatives at the annual convention of the American Law Students' Association in St. Louis, Missouri.

As the semester progressed it saw the successful completion of the book exchange under the able direction of brothers Bill Keese, Ed Peters, and Dick Robbins.

Hardly had the receipts from the book exchange been tallied when brother Bob Marshall's guiding hand set "Politics '62" in motion. During the ensuing weeks, Loyola students had the opportunity to luncheon at the Blarney Castle and hear such outstanding speakers as Pat Hillings, Tom Reese, and Francis Whelan.

Nor were social activities lacking during this busy fall semester. This was evidenced by a highly successful cocktail party at the home of Dick Robbins and a just as successful Christmas party in Pasadena at the home of Mike Le Sage.

As the spring semester got under way, the book exchange again assisted many students in buying and selling their books.

With the semester nearly half over, the fraternity eagerly looks forward to the first week in April when Phi Delta Phi pledges from Loyola, S.C. and U.C.L.A. will take part in a joint initiation ceremony. Following the ceremony, an initiation party is planned.

Officers for this year are: Magister — Carl Lowthorp; Exchequer — Doug Martin; Clerk — Ed Peters; and Historian — Joe Prevatil.

## Smith Appointed Assistant Dean

Clemence M. Smith, Professor of Law at Loyola since 1952, has been appointed to the new office of Assistant Dean. The appointment was made by Professor J. Rex Dibble, Acting Dean.

Graduating with the highest cumulative average in her class, Mrs. Smith received her LL.B. from Loyola in 1948, and was admitted to practice law in California the same year. Professor Smith completed her undergraduate study at Occidental College prior to coming to Loyola.

Since assuming her teaching post at Loyola Law School, Mrs. Smith has taught courses in Equity, Community Property, and Trusts.

## PHI ALPHA DELTA By Tavey A. Sanfilippo Justice, Ford Chapter

With the commencement of the Fall Term 53 actives of Ford Chapter PAD were enrolled at Loyola Law School. Initially, on Sept. 15 we conducted our first general meeting of the year at the Pabst Brewery. This was followed by a Cocktail Party at the home of Brother Ozzie Goren; the pledge Beer Bust (Smoker) was held at the Commodore Hotel; elections to fill vacancies in our Executive Board were conducted wherein Bill Rylarsdam (Vice - Justice) and Andy Stein (Clerk) respectively were elected; the annual PAD - Phi Delta Phi football game took place with the usual result—(No Comment!). The Cocktail Party prior to the school dance was held at the home of Professor and Mrs. Yerkes. Recently 50 new pledges were accepted by the membership of Ford Chapter. At present Ford Chapter is composed of 53 Actives and 50 Pledges. More than 20 Actives will gladly make room for the new pledges, and are anticipating doing so in June — here's wishing them the ultimate in success in this endeavor.

We extend a hearty welcome to the Pledges who have been accepted, and in addition thereto extend a special welcome to Mr. James Maupin, instructor in Criminal Law, Code Pleading and Community Property, who will be initiated this year.

A survey of the tentative schedule for the Spring Semester reflects the following: Initiation of Pledges (County Courthouse); the annual District Conclave to be held this year in San Francisco on April 7; Judges Night; election of officers; Installation Banquet; Post - Exam Beer Bust; Graduation (into the lucky ranks of PAD Alumni); and last but not least, the annual Swim Party. Details of the above mentioned activities and the dates of business meetings and short notice informal "get togethers" will be posted on the PAD bulletin board.

Ford Chapter will sponsor the speaking engagement of Melvin Belli, who is tentatively scheduled to address the student body on April 25. In addition we will attempt to schedule informal tours of places of interest to the members of Ford Chapter. Presently Pledge Bob Ridley (3rd Yr day) is conducting informal tours of the County Courthouse — here is an opportunity for PAD's to get a practical view of the "arena".

Congratulations to Judge Otto Kaus on his recent appointment to the Superior Court. Belated well wishes to Acting Dean J. Rex Dibble and Vice Dean Mrs. Clem-

# Cons

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deterrent can never be determined because we can never know how many people have not committed a homicide because of the existence of the death penalty. This argument would be sound if, when we compare the states that have eliminated the death penalty with those where it still exists, we found some difference in the homicide rate. But looking at individual states we find that Maine has the lowest homicide rate in the nation. Maine abolished capital punishment in 1870. Wisconsin abolished it in 1854 and Minnesota in 1911. These two states are also at the bottom of the list of non-negligent homicides in the United States. (47 Kentucky Law Review 400, 1959). Although these statistics do not prove that capital punishment is entirely without power to deter murder, they do indicate that the abolition of the death penalty does not inevitably lead to social chaos.

Thorstin Sellin studied capital punishment for the American Law Institute and found, "That within each group of states having similar social and economic conditions and population, it is impossible to distinguish the abolition state from the others. The inevitable conclusion is that the executions have no discernable effect on the homicide death rates." (The Death Penalty, page 34, 1959).

After an extensive hearing both within and without the state of Massachusetts concerning the relationship between the absence of a death penalty and violence against law enforcement officers the Commission concluded that, "the claim that the abolition of the death penalty would increase the dangerousness of police work is not supported by the evidence."

If the death penalty does not operate as a deterrent and if the murderer usually kills in a fit of passion and is capable of being rehabilitated, then the sole purpose of maintaining the death penalty is the working of a vengeance upon the murderer. If vengeance only, then why not a swift and public vengeance? But homicide cases often drag on for years; some defendants going free, some confined for life, while the helpless few, chosen as targets of this vengeance die in little green rooms or on cunning devices hidden off little used corridors of our prisons — almost as if society wants the pleasure of a blood vengeance but is uneasy in the light of present knowledge. Whether by hemlock, guillotine, or gas chamber capital punishment is an anachronism no longer needed or justifiable in a modern society.

## Faculty Member Is Appointed To Bench

Otto M. Kaus, one of the outstanding members of the Law School Faculty has recently been appointed to the Superior Court of Los Angeles County. Judge Kaus teaches Sales and Legal Method. In the past he has also acted as the highly successful mentor of the Moot Court team.

Judge Kaus was born in Vienna, Austria on Jan. 7, 1920 and admitted to the California

Bar in 1949. He received his B.A. degree from U.C.L.A. in 1942 and his LL.B. from Loyola in 1949. He is one of a very limited group who have graduated summa cum laude from Loyola Law School. From 1942 to 1946 he served as a Captain in the Corps of Engineers U. S. Army. His entire career as a practicing member of the bar was spent with the law firm of Chase, Rotchford, Downen and Drukker. He was a partner in this firm at the time of his elevation to the bench.

Students at the law school since 1950 have received their initial introduction to the study of the law from Judge Kaus in his Legal Method course. These students will undoubtedly go through life deeply concerned over the trials and tribulations of one Caminetti.

Few appointments in recent years have received such unanimous praise from members of the legal profession. The outstanding ability of Judge Kaus is attested to by the fact that, at the time of his appointment, he was only 41 years making him one of the youngest judges on the Superior Court bench.

The entire student body, the faculty and all alumni and friends of the Law School join in extending congratulations to Judge Kaus and wishing him many years of success in his new career.

ence Smith on their respective appointments.

The annual District Conclave will feature Richard Nixon as guest speaker. The four northern Chapters of PAD in Calif. will hold a joint initiation at the Conclave. On Judges night the Alumni of PAD will host approximately 30 distinguished PAD jurists who sit on the bench in the Los Angeles area. Of necessity a lawyer must be a gregarious person. Be sure to attend the planned functions — there is presented an excellent opportunity to associate with other law students and with the lawyers and jurists with whom you will be associating for the rest of your professional life. The person you help may be yourself — and in the process you may experience many worthwhile moments.



# The Realm Of Advocacy ☆

By WALTER KLEIN  
Chairman, Moot Court

## Scott Competition

This year marks the 10th anniversary of the Joseph Scott Moot Court competition. The program was initiated in 1952 in honor of the late Joseph Scott, Dean Emeritus of the School of Law, to stimulate interest in appellate brief writing and oral advocacy. The value of this form of legal training cannot be emphasized too strongly. The Scott Competition is offered in the form of an extra-curricular honors program and participation in the later rounds is one of the highest honors obtainable in the school. Each year's moot court team is chosen from those who achieve the highest standing in the final round.

On February 24, 1962, the preliminary rounds of the Scott Competition were argued at the Law School. Six students were chosen to compete in the final rounds, to be held at the County Courthouse sometime in March. The final round participants are Frank King, Robert Solomon, Colin Graves, Michael McPhee, Irwin Evans and William Keese.

## Moot Court

Loyola's Moot Court Team participated in the preliminary arguments of the National Moot Court Competition on November 10, 1961, meeting the University of California at Los Angeles. U.C.L.A. won the argument and subsequently defeated U.S.C. to earn the regional championship and the right to compete in the National Finals in New York.

The teams argued a hypothetical case pending before the Supreme Court of the United States. The question involved confiscation by a foreign government of property owned by a citizen of the United States. The property is subsequently purchased by another

American who brings it back into the United States. The question pending before the court concerns the rightful ownership of the property. However, this question becomes secondary in the light of the policy of United States courts not to interfere with foreign decrees, the so-called Act of State Doctrine. Loyola, appellants, had the task of asking the Supreme Court to either make an exception in this case, by distinguishing it from a long line of prior decisions, or overruling these cases directly.

## Team Members

Representing Loyola in the competition were:

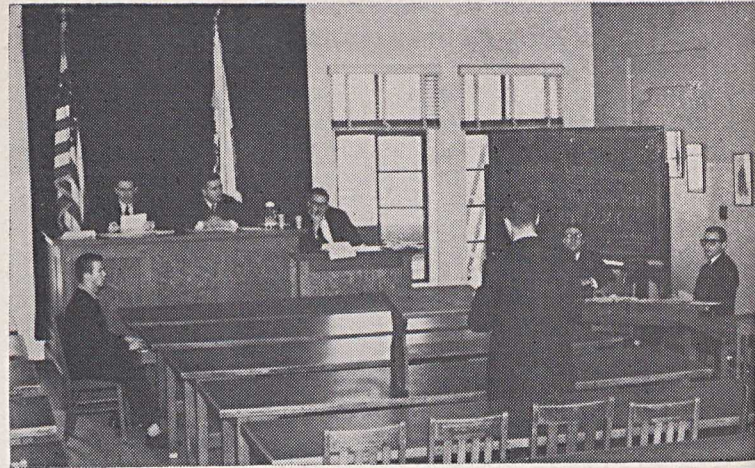
William Rylaarsdam, a native of the Netherlands and a graduate of the University of California at Berkeley. Bill is a night student, while working for Aerojet General contracts division during the day. He was also winner of the 1961 Scott Competition.

Robert Ridley is a native of Los Angeles. He attended undergraduate school at St. John's College and is a third-year day student. Bob works for the County Clerk's Office part-time while attending school and is helping Melvin Belli edit a student trial manual. Bob was also a runner-up in the 1961 Scott Competition.

Walter Klein is a native of Los Angeles, and attended undergraduate school at the University of California at Los Angeles. Walter is a third-year day student and was a runner-up in the 1961 Scott Competition. Walter heads the Moot Court Committee for 1961-1962 and will supervise the Scott Competition and coordinate the Student Bar Association's Moot Court program.

## National Moot Court

The National Moot Court is sponsored by the Young Lawyers



Moot Court competition. Judges Cooper, Gallagher and McCarthy question respondent as Reporter Anderson, timekeeper Rcsner and clerk Walter Klein look on.

Committee of the Association of the Bar of the City of New York.

Two members of each team argue a total of 30 minutes, supporting their written briefs and trying to distinguish their opponents' arguments. The members are questioned by the judges as to the contents of the briefs and the oral arguments.

The teams are judged on the basis of the quality of the briefs and the oral argument. Decision is not made on the merits of the case, but is based solely on the content and presentation of the brief and oral argument.

**This procedure is very closely followed in the Scott Competition. The purpose of both is to develop good techniques in brief writing and oral advocacy, invaluable experiences to law students who wish a well-rounded preparation for the practice of law.**

## Television Appearance

This year's team, supported by Humberto Garcia, a competitor in

the 1961 Scott Competition and Editor of the Loyola Digest, had the honor of representing the Law School on College Report, an N.B.C. sponsored show, demonstrating teaching techniques in various schools. The program was shown in color, on December 3, 1961, with a moot court argument being conducted before a court consisting of the Honorable Otto Kaus, Ernest Sanchez and William Tucker.

This is a brief glimpse of the practical side of law school. The knowledge and practical experience gained from participation in such a competition far outweighs the advantage of any program which embodies only writing skills. The effective attorney must be able to express himself in two different media — the written word and the spoken word. The Moot Court program emphasizes both of these skills. The result is a type of student who will assume his position in a profession where effective writing and speaking are indispensable ingredients of success.

## Need Tougher International Control Of Narcotics

On February 2, 1962, the St. Thomas More Law Society held its annual panel discussion on a subject of current interest and concern in Los Angeles County. The panel, which dealt with the California narcotic problem, was moderated by Douglas Martin, president of the society. Members included the Honorable Allen Miller, Judge of the Superior Court, Psychiatric Department, and former chairman of the State Assembly Rules Committee; Richard Inman, Superior Court Deputy Probation Officer involved in the processing and commitment proceedings of addicts; Arthur L. Alarcon, Clemency and Extradition Secretary to Governor Brown and Director of the Governor's Special Study Commission on Narcotics; Robert Neeb, Jr., Loyola Law School graduate, authority in the international narcotic problem and a member of the Governor's Commission on Narcotics.

As the panel members pointed

out, the present emphasis in California in the field of prevention of narcotic addiction is directed toward segregation and rehabilitation of the addict rather than his automatic sentencing for the violation of narcotic laws.

The heart of the problem lies in the international control of the narcotic traffic and, as Mr. Neeb pointed out, until the Federal Government imposes a tougher policy of control on the flow of narcotics into California, Los Angeles will be unable to effectively combat this menace.

## LOYOLA DIGEST

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