



4-1-1969

Introduction

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Recommended Citation

Richard A. Vachon, *Introduction*, 2 Loy. L.A. L. Rev. i (1969).

Available at: <https://digitalcommons.lmu.edu/llr/vol2/iss1/15>

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INTRODUCTION

*by Richard A. Vachon, S.J.**

Loyola University School of Law presents the second issue of its Loyola University Law Review. In instituting the Review, the Faculty had two broad purposes. The first was to give its students an academic forum in which to learn by giving them the humbling yet exhilarating task of presenting their investigations to a critical audience. The second was correlative to the first, though it was but a hope; that through original and creative thought, this School might add some help to the Bar and to government in learning more about its institutions and rules.

Together, these purposes demand that the Law Review be generalized. It must be open precisely to those problems which are particularly volatile because free discussion is the only proven method to reach a peaceful and socially acceptable solution. Therefore, when an article discusses a controversial issue it shall be arranged that each side be fairly presented.

In this issue a particularly volatile problem is discussed. Some might say that it would be better not to bring up such a touchy subject as abortion in the second issue of a new review, especially since the California Supreme Court shall probably have adjudicated the matter by the time of publication. However, the matter will not go away. Recent legislative trends, volumes of articles and hours of public discussion have shown that this problem must be faced fairly and decided with awareness. Therefore the editors are presenting a series of two articles, the second to appear in a succeeding issue.

Retired Justice Tom C. Clark's "brief résumé" is designed to portray the sentiments of those who favor so-called "liberalization." Because it is a résumé it is uncritical. It does not touch upon the basic legal problem far deeper than any alleged right of a pregnant woman to deal with her body as she wishes. Any body politic must face this problem if it is to be called civilized. Put simply the question is: Can any arm of government, without irrefutable proof, declare that someone or something is a non-person—or deal with it as if it were.

The role of government when confronted with human life or with what might be human life will only grow more difficult. The explosion

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of the knowledge of genetics and the explosion of populations are but two harbingers of the Orwell state if the electorate, or its so-called servants, can deal with life as it wishes. These aspects of the overarching legal problem—what is life—as it is reflected in the opinion to be rendered soon in *People v. Belous* will be discussed in a later issue of the Review.

The Preliminary Draft of the Code of Professional Responsibility, published in January, 1969, by the Special Committee on Evaluation of Professional Ethics, is pertinent to the questions raised by Senator George Moscone and Mr. James S. Reed. They analyze the problem of providing proper and adequate legal services to all the people. Theirs is an eloquent appeal to the members of the Bar to face the real needs of the unrepresented and to fulfill those responsibilities which are the inner core of taking a part in a profession. Section 2-102(A)(2)(c) of the proposed Code suggests a similar standard.

Professor McBride examines the engaging paradox in Justice Black's apparently contradictory scholia to his theory of the First Amendment freedoms. His contribution provides a new perspective to the philosophy of a man who has played a great part in forming the legal theory of the past three decades.

The School is proud to present the students' product. It feels that in the student comments and notes, in the intensive and long labor of the editors, its two purposes in instituting the Review are nearing fulfillment.