9-1-1959

Loyola Digest

Loyola Law School Los Angeles

Repository Citation
Loyola Law School Los Angeles, "Loyola Digest" (1959). Loyola Digest. 9.
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President Extends Student Welcome

By Les Hartley

On behalf of the Board of Bar Governors, I would like to welcome the members of our First Year Class into the study of law and into active membership in the Loyola Law School Student Bar Association.

It is a justifiable assumption that you are aware that your primary purpose in law school is to enable you to become a responsible member of the legal profession. A major part of your training is achieved through comprehension of academic subjects. In addition to studies, many of the second and third year men feel that something else is necessary to provide the law school graduate with a well rounded legal education. In part, this is best described as an exposure to the social and pragmatic aspects of our intended profession. We feel that the student Bar Association is potentially an outstanding medium in which this can be accomplished.

Numerous Activities

Our coming year's activities, many of which are currently under way, have been planned with this goal in mind. These include the Orientation Sessions and First Year Smoker, organized by Jerry Benoit; The Scott Competition, an appellate brief writing contest and oral argument directed by Jim LeBeThon, who assisted by Dick Smith, Student Bar Vice President; The Book Trial, a new activity in which First Year men will participate as jurors, Second Year as witnesses, and Third Year as attorneys, and to be co-ordinated by Pat McCormick and myself.

Student Newspaper, published by Ed Masry; The Professional Lectures Program, which is arranged by Larry Sheps; The Annual Law School Dance, sponsored by Jim Williams; The Day Program, co-ordinated by Peter Smith, and The Student Benefits Committee which is organized by Dick Hecht.

These are only a few of the various programs of the Bar Association designed to encourage professional interests of the students. I would like to emphasize that the degree of success with these programs is largely dependent upon your active participation. Without the five or six week elections and at least Page 3 of the first week in October. If you have used law books that you have intended to sell, turn them in to the Book Exchange or if you have not yet purchased your current needs, then check with the Exchange for the best deal in town.

BOOK EXCHANGE BEGINS SECOND YEAR

The Book Exchange of Loyola Law School enters its second year of operation with the beginning of the new term. It is the purpose of the Book Exchange to make available to you at Loyola the facility with which you may dispose of your used books at the same time for the exchange of used books from which you may purchase your current needs.

The Exchange, upon the sale of the books that have been turned over to it, will pay one-half of the new selling price of the book to the seller. The Exchange then makes available these books at a substantially lower savings to you, the purchaser. There is no other source that offers such a selection of good used books at such savings.

Students who have turned their books in to the Exchange will receive their checks during the first week in October. If you have
**What’s Free About Immorality?**

By Owen G. Fiore

On June 20th, 1959, the U. S. Supreme Court reaffirmed its judicial distaste for prior restraints of speech through its decision in *Kingsley International Pictures Corporation v. Regents of the University of the State of New York,* (361 U.S. 511, 70 S.Ct. 935). Specifically, the decision dealt with the validity of State regulation of the motion picture industry by means of licensing provisions which included a determination of the acceptability of each picture for public viewing.

The Kingsley International Pictures Corporation was the distributor of the film entitled "Lady Chatterley’s Lover." In accordance with the applicable New York statute, this film was submitted to the New York Education Department for a license. Rejection of a license was ultimately upheld by the New York Court of Appeals in a 4-3 decision (4 NY2d 539, 175NY2d 339, 151 NE2d 1197).

The State Court majority decision was expressly based on that part of the statute which required denial of a license to motion pictures which are immoral in that they portray acts of sexual immorality, obscene or pornographic behavior" (Edu. Law, Sec. 122, 122a). Interpreting the purpose of the New York Legislature, the State court majority considered that a license must be denied to this motion picture "...because its subject matter is adultery presented as being right and desirable in the eyes of the beholder." Furthermore, it was emphasized that it was the "corrosive effect upon the public sense of sexual morality" that was objectionable, and that the State must be able to protect the public from such a motion picture.

Justice Stewart wrote the majority opinion for the U. S. Supreme Court reversing the New York decision. The majority stated that New York had struck at the constitutionally guaranteed freedom of speech and advocacy ideas. It was further pointed out that the free speech guarantee is not confined to the expression of conventional ideas or those beliefs shared by the majority. As stated by Justice Stewart, it (the Constitution) protects the advocacy of the opinion that adultery may sometimes be proper, no less than advocacy of so-called "morality." Thus, the majority contended that the Supreme Court considered the New York statute in question, as applied by the State court, violative of the Constitutional guarantee of freedom of speech. Previously, in 1952, the Supreme Court had held that the protection of free speech applies to motion pictures *In re Burstyn, Inc. v. Wilson*, 343 U.S. 495, 96 L.Ed. 1098, 72 S.Ct 777. In the Kingsley decision, Justices Black and Douglas wrote concurring opinions and Justice Clark concurred in the result.

However, Justice Harlan, joined by Justice Frankfurter, though occurring in the result of the majority, disagreed as to the constitutionality of the New York statute. Harlan contended that the statute as interpreted was not unconstitutional since it involved exhibition of motion picture both advocating sexually immoral acts and displaying actual scenes of a suggestive and obscene nature. It seems that Justice Harlan at least recognized the New York court’s valid point of distinction. It was not the abstract advocacy of any idea that was regulated. Instead, it was the vivid and affirmative portrayal of an immoral proposition that stirred New York to attempt to protect its citizens.

Under this latest decision in the motion picture censorship field, it would be surprising if any type of prior restraint would satisfy the Supreme Court’s congressional protection of freedom of speech. However, the majority and the dissenting justices argued on various grounds. Justice Stewart carefully pointed out in his dissent that the Court did not consider the notion that the States have been shorn of any prior licensing power by this decision. However, Justices Black and Douglas have set a new trend in their statements that censorship of movies is unconstitutional in any form.

By the Kingsley decision, the American people come one step closer to being unfettered by law from exposure to ideas plus examples of conduct which are repugnant to society and any moral code. The Constitution has made speech to be of no essential part to any expression of ideas such that would outweigh the social interest in order and morality (Chap. 18, State of New Hampshire, 315 U.S. 861, 66 SCt 766, 92). Should the enforcement of such a statute with respect to film and morality include the threat of making the faculty and students at a university such as Loyola’s Lover? Should not the regulatory power of government be directed toward morality rather than an implicit support of immorality? It seems that the Supreme Court has perverted the true notion of government by this latest decision.

**Study Habits Display Important Role In Education Limitations, Says Librarian**

By Mr. Pink

There comes a time in every law student's career when he begins to sense the limitations in his education. He is not getting deep; his courses are superficial. Eventually he names the reasons: the case method approach in legal education.

It is not my purpose here to discuss the pros and cons of this method, but to follow it in its pure form and certainly it is subject to abuse. But the abuse of a thing is not necessarily the thing that is wrong. Every law student should consider carefully. This is, that the case method, by its very nature, limits attention to specific cases and narrows discussion to the issues in these cases. The student comes to expect assignments of particular cases (usually in a textbook) and an occasional hornbook reference. Thus, the librarian is easy to regard all else as somehow outside the pale of relevance.

**Supplemental Reading**

The truth of the matter is that class assignments are little more than a challenge to the instructor for his pedagogical value. Class work needs to be supplemented by outside reading. As a practical matter, it is impossible to prepare students for their legal education at Loyola by having them read cases and textbook chapters. The librarian can do this through the Index To Legal Periodicals. Within your time budget, let your interests lead the way. Reading may then become the sauce that gives each subject its body and substance.

Another group of readings, enjoyable in their own right, are the legal histories, biographies and more general works on jurisprudence. These are not the typical limitations, here we can stretch and breathe and try for the perspective so difficult to come by day to day work.

Legal education—the kind with depth and perspective—cannot be had without personal initiative. If there is liberty in this word, which is always in short supply, can be found. My purpose is to suggest that something can be done about it.

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**LOYOLA DIGEST**

*September, 1959*

**Professor At Loyola**

By Mary Flanagan

Professor Jacob J. Becker's scholarly and legal achievements testify to the fact that this interesting man is a devoted legal scholar. Professor Becker began teaching law at Loyola Law School in 1926, and thereafter entered into the general practice of law. At various intervals, Professor Becker occupied such academic positions as Principal of Public Schools, Taylor, Pa. (1911-1925), and Superintendant of Public Schools, Outlook, Montana (1915-1917) and Antelope, Montana (1917-1922).

His interest and skill in the field of economics won for him the honor of receiving a fellowship in the School of Business at the University of Chicago. After some years in teaching, he received his law degree (University of Chicago, 1924), and thereafter entered into the general practice of law.

Although interested in this phase of law, teaching continued to attract him, and Professor Becker devoted six hours a week to the teaching of business law at the University of Chicago, Chicago, Illinois, covering that legal teaching was more personally satisfactory than private practice. Professor Becker was prompted to forsake his practice so as to devote his time to the teaching of law, specializing in the fields of corporation and finance. He has offered courses at such institutions as the Loyola Digest, the University of Chicago, and the University of Southern California (Summer, 1936), as lecturer in the Institute of Government.

The Professor and his wife live in a home on the Loyola campus where both are active in many fields of art.

In the years that Mr. Becker has taught at Loyola, the contribution of his personality and of his scholarship have strengthened the school and benefited many students. His courses are praised for their content and future practicability.
Scott Competition Winners Chosen in Close Contest

Appariting before a bench composed of Joseph Burke, William Tucker, and Earnest Sanchez, this year's contestants in the annual "Scott" competition presented their oral arguments.

The event, which is held annually at Loyola Law School, is named after the late Hon. Joseph Scott, who contributed extensively in the fields of law, education and cultural leadership.

This year's problem, prepared by the Loyal Bar Association, dealt with the recent decisions handed down by the California State Supreme Court in People v. Cahan, and People v. Superior Court. The problem embodies the "exclusionary rule" as applied to illegal search and seizure, and the latter, the recent Supreme Court decision to reveal which cause is the performer's巧.

The current case was titled "People v. Phifer." Phifer was an accused possessor of narcotics charged with the crime of health and safety code 11560. The conviction was appealed on the grounds that the evidence was obtained by illegal search and seizure.

Briefs Filed

Seventeen contestants entered the competition and filed their representative briefs. The rules require a written brief which is subsequently argued before the appellate panel. Grades are given on written and oral arguments and an average constitutes the contestant's final grade.

This year's winner was Richard Math, who argued the position of the appellant against Mario Roberti who was the appellee. Third place was achieved by Robert Courtney and fourth by Lisa Joann Mares. The other contestants were Andre Archambault, Cameron, Norman Hanover, Don Harrington, Les Hartley, Jim Reberth, Edward Masry, Pat Herring, and Jim Bradle.

Team Chosen

Following the Scott competition, there was an oral re-argument to determine which of the Scott contestants would represent Loyola University in the state and national moot court competitions.

A team, which was chosen by the Student Bar Association and Professor Otto Kauss, was Lisa Joann Mares, Peter Smith, Richard Smith with Don Harrington.

The Moot Court Program, as sponsored by the Student Bar Association, operates to provide all competing students the opportunity to develop their advocate ability and courtroom procedure.

Particular credit for the success of this year's Moot Court Competition must go to Mr. Musch, Mr. Tucker and Mr. Sanchez, judges of the oral competition; Mr. Myron Fink, Professor Clemence Smith, and Professor J. Rex Dibble, judges of the written briefs, and the four contestants who formulated the question.

Blackstone's Commentaries

Beauty And Brains Combine For Honor

MISS JoANN MARES, pictured above, has the unusual distinction of being the first woman to ever achieve status as a member of the Loyola law school moot court team. Miss Mares is a senior.

Recipient of one of the highest honors awarded in law school was Miss Joann Mares, chosen to represent Loyola in the state and national moot court competitions.

Singularly outstanding in this appointment is the fact that Miss Mares has become the first woman student in the history of Loyola Law School ever to achieve this honor.

To coincide with her first year at Loyola, Miss Mares was also the sole student in the state of California to attain such an appointment this year.

The demure Brunette, a graduate of Corvalis High School and possessor of a B.A. history degree from Marymount College, is currently a senior at Loyola.

Resistant to comment about her relating to her future goal is to finish Loyola and, sharing the feelings of her two team members, to garner the national moot court competition title for Loyola.

By Bob Kirchner

President Extends... (Over from Page 1)

be held in the First Year Classes to elect two students from the school to represent your class on the Board of Governors. We certainly hope that you will take a direct interest in these elections. Also, there is still an opportunity to participate on Student Bar Board. For further information, just contact the appropriate chairman, whose name is on the Student Bar Bulletin Board.

Again, I want to congratulate you on choosing our college and also express my sincere hope that this will be a happy and successful year for all of us at Loyola.
Numerous Student Activities Scheduled by Phi Alpha Delta

Once again, Phi Alpha Delta will present an outstanding program in the coming year.

Starting off the list of social events will be the annual cocktail party which will be held this year at the home of Gary Cooper. Soon thereafter, the Fraternity will sponsor its annual alumni reunion, Phi Delta Delta will present an outstanding program, the Loyola Law School will hold its annual cocktail party, and the Los Angeles County courts will hold their annual social event.

Alumni Reunion

During the mid-year break, Ford will host Phi Alpha Delta chapter members for a reunion. The event will be held at the home of one of the alumni. The reunion will provide an opportunity for the students to network with professionals in the legal field.

Seminars Scheduled

The Loyola chapter of Phi Delta Delta, International Women's Law Fraternity, began a year of busy activities with a pledge party at the home of its president. The following month found the fraternity hosting a dinner for the International Convention at Santa Barbara.

The school term began with a coffee klatch for new students and was followed by the year's first rush party. The annual conclave of Districts II and III will be held in San Francisco during March of 1960. Phi Alpha Delta is the only legal fraternity which is financed by the various alumni chapters. The school term began with a coffee klatch for new students and was followed by the year's first rush party. The annual conclave of Districts II and III will be held in San Francisco during March of 1960. Phi Alpha Delta is the only legal fraternity which is financed by the various alumni chapters.

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