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. Unfortunately, there is no room to rumor, the Bar Association has been extremely active. At present 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 Frenier and has been approved by the Board and adopted by the Board of Bar Governors. An Elections Code has been drafted by Hal Mintz and this was adopted by the Board. Both of these will be incorporated into the new constitution which is in the drafting 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 skecth of all seniors. Present plans call for this brochure to be distributed to all alumni and other members of the bench and bar who might be interested in Loyola law 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 resumes of forms will be distributed to aid the graduates in preparation of their own. In addition to the newly formed faculty committee on placement, will be of assistance 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 most court 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 court 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.

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.

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 area problems. 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 suggestion is that, ... lawyers have been conditioned to doubt 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 are heard to question this doctrine, ... 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 blunder 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 Custer 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 take a fresh look at the world, can we exercise the same kind of intelligence, character, and inventiveness that the Founding Fathers showed how we can 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, Maliciousness, and Capital Punishment have been ex-

(Continued on Page 4)
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 entitlement to that right. From this it follows that society as well is entitled, if it is to self-defense, 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 eradicates 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 than that of the penalty one. 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 can point to statistics, 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 shows that the death penalty is considered to be important by some would-be killers.

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The clear implication is that the murderer, once having murdered will do it again. But this is not borne out by the facts or more than half were committed by people who have no prior criminal record. Usually they are hard working family men; the victims are 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, "We found that 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."

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, 1938).

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.

Annual 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 most 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 3966 executions in the United States. Of these 72% were Negroes, even though the Negro population in the United States comprised about 17 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. The report of the Congress of Presidents (1950) 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 the taking of human lives by the state would deter or prevent 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
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 Security," 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, Securities, Landlord and Tenant, and Personal Property.

After the 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 law.

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.

WALTER H. COOK
Professor Emeritus

LOYOLA DIGEST

HUMBERTO GARCIA
Editor in Chief
ROBERT W. RIDLEY
Executive Editor


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LOYOLA DIGEST

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 Cal. 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 state 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.

(Continued on Page 5)
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 percent of the outer 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 it, "No matter where Loyola is operating—professionally at the School, socially at the Beverly Hilton—if you ask 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."

J. Rex Dibble was named Acting Dean of the School in 1960. Since then he has effected many excellent achievements. He has, 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 class participation, and the course grades will be determined on this basis rather than by examination. The enthusiastic response of those attending the new seminar has been most 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, was appointed EDITOR-IN-CHIEF OF THE LOYOLA DIGEST. He takes over the spot vacated last November by Michael Conlon.

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.

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 substitution 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 deliberately 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, or did the 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 break-throughs 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 clarity in the law. It is 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.
LOYALTY

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 was prepared and 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 find her guilty."

(Ree 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. Within the shadow of Whitney vs. California, the Board 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 cededly 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 (Re 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 "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 10281. Government Code). The Luckel Act, as it was commonly referred to, was upheld against constitutional attack in 1954 (State of California v. 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. They were asked to answer questions dealing with their membership in the Communist Party, claiming...
LOYOLA DIGEST

March, 1962

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 group. Subsequent to this, Jan Rylaarsdam and Jeannine 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 shows, parties, picnics and dances. All wives will be invited to these functions.

LOYALTY

(Continued from Page 5)

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 oath. The District Court of Appeal affirmed the judgment and the opinion was affirmed on appeal (Wirin v. Ostly, 360 U.S. 928). 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 herein but also in cases involving 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 people of this County. In the area of public employment, the employee was discharged because of their refusal to answer questions in violation of the Luckel Act (Nelson v. County of Los Angeles, 360 U.S. 928). 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 the Court determined that the District Court of Appeal exceeded its powers 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 should not be done) to protect their rights as employees. The District Court of Appeal was reversed and the Court held that the plaintiffs 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).

In the field of private practice, Edith Galpert has announced the opening of her office in Pasadena. Margaret Vail Wooley, an energetic homemaker who lives in Torrance, has resumed her Monterey Park law practice. Priscilla McKinney Dunnum, whose husband was recently appointed to the bench, is another leading the interest in California Criminal Law and Procedure.

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.

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 female addition to the rolls 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. Clementine Smith, who distinguished herself with highest honors. She is a highly qualified Professor of 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 as a Deputy Commissioner, Carol Scherb, Margaret J. Lund is a court reporter, Clara Kaufman, 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 who lives in Torrance, has resumed her Monterey Park law practice. Priscilla McKinney Dunnum, whose husband was recently appointed to the bench, is another leading the interest in private practice in Torrance with her husband, Boris Wooley, Mary G. Creutz, who practiced with the 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 was president of the Loyola Alumni Chapter. Bette 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 interest in private practice in Torrance.

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.
FRATERNITY ROW

PHI DELTA PHI
Carl Lowthorp
Magistrate

Phi Delta Phi had an activity-filled fall semester. It opened the scholastic year with its semiannual 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 Bob Marshall's guiding hand, "Politics '62" in motion. During the spring semester Loyola students had the opportunity to lunchon 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 kick-off party at the home of Dick Robbins and a just successful Christmas party in Pasadena at the home of Mike 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 their initiation ceremony. Following the ceremony, an initiation party is planned.

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

FRATERNITY ROW

PHI ALPHA DELTA
By Tavey A. Sanfillipo
Justice, Ford Chapter

With the commencement of the Fall Term 53 members 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. A Cocktail Party at the home of Brother Ozzie Goren; the Pledge Beer Bust (Smoker) was held at the Commodore Hotel; elections to fill the open seat on the Board were conducted wherein Bill Rylarsmm (Vice-Justice) and Andy Stein (Clerk) respectively were elected; the annual "Ford Dedication" 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. Clemens Drukker; and the last Exempt Board were accepted by the membership of Ford Chapter. At present Ford Chapter is composed of 30 Members, 20 Acting Members, and 30 Pledges. More than 20 Actives and 40 Assistant Actives feel at home in the Pad. This is a most successful Cocktail party at the home ofDick Robbins and a just successful Christmas party in Pasadena at the home of Mike Sage.

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

CONSENT

It is hereby necessary to extend 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. Clement Schmiesing 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 dinner guests and members of the PAD Bench and Bar 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.

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 been the highly honored mentor of the Moot Court team.

Judge Kaus was born in Vienna, Austria on Jan. 7, 1920 and attended 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 1944 he served as a Captain in the Corps of Engineers U. S. Army. His entire career as a practicing member of the bar was associated with the late Mr. Robert Chase, Rotchford, Downen and Drucker. He was a partner in this firm which was dissolved when he returned to the legal profession.

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 remember through life deeply concerned over the trials and tribulations of one Camelot.

Few appointments in recent years have received such unanaimous approval as the appointment of Judge Kaus to the Superior Court bench. The outstanding ability of Judge Kaus is attested to by the fact that, at the time of his appointment, he was only 41 years of age and being 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 extend their congratulations to Judge Kaus and wishing him many years of success in his new career.
Scott Competition

This year marks the 10th anniversary of the Joseph Scott Moot Court competition. The program was started 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 extracurricular 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 fall regular moot court.

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; all to be held at the County Courthouse sometime in March. The final round participants are Frank King, Robert Solomon, Colin Graves, Michael McFlee, 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 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. Loya1yla, 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 Wylasdrum, 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 a runner-up in 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.
- Robert Alarcon 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. He is the first to coordinate the Student Bar Association’s Moot Court program.

National Moot Court

The National Moot Court is sponsored by the Young Lawyers 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 oral arguments and distinguishing 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, has 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 outweigh the advantage of any program which embodies only written 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 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 California narcotic problem, was the center 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 criminal sentence 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.

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