8-15-1962


Joseph O’Meara
Notre Dame Law School

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Report of the Dean

Print
University of Notre Dame. Law School. [Notre Dame, Ind.]: Notre Dame Law School,

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Details

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- Current Frequency: Annual.
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- Added Title: Dean's report
- Spine Title: Annual report of the dean
Notre Dame Law School

Report of the Dean
1961-1962
"... What do you want from life?

"Another way of asking this question is: What are your values? These values represent what you really intend to live and work for, or if needs be, to suffer and die for. These values define the kind of person you wish to be, the kind of life you intend to live, the best hoped-for meaning of your life in the days ahead. I would suggest some enduring values that have made human existence worthwhile in every age and that could make your life most meaningful in our times.

"First of all, commitment to truth in all its forms: the joy of ever seeking truth, the peace of finding truth everywhere, the courage of living truth always. Open-mindedness is the prelude to this commitment, intellectual honesty is its truest spirit, and purity of life is essential to both possession of the truth and commitment to what it demands of us.

"Commitment to what is good and excellent. I mean here no narrowly selfish good, but that every good and noble inspiration might find in you a champion and a defender, and indeed a personification. What is good for your own moral integrity, yes, but also the realization that you will often find yourself and your good in spending yourself and your talent for the good of others who need you. To avoid the taint of intellectual and moral mediocrity, to be willing to stand for something, even something unpopular, if it is good; to be willing to be a minority of one if need be. This is part of the commitment. But not to be a neutral where principle is involved, a moral cipher, a pragmatic compromiser who easily takes on the protective cobra-don of whatever moral environment happens to be at hand. This also is ruled out by the commitment. Is it too much to expect of you? Anything less is all too little.

"A passion for justice in our times. Again, not merely justice for yourself, or your family, or your profession, but especially a passion for justice as regards those who have few friends and fewer champions. There are great and festering injustices in our country and in our world. You can side step them if you wish, you can close your eyes and say it is none of your business. Then remember that freedom and equality of opportunity in our times are quite indivisible. If one class, or nation, or race of men is not really free, then the freedom of all men is endangered. Injustice breeds more injustice, disorder begets more disorder. You do not need a suit of armor, or a white horse, or a sword, but just a sensitivity to justice wherever it is endangered, a quiet passion to be concerned for justice in our times, a compassion for all men who suffer injustice, or the fruits of injustice."

From Father Hesburgh's commencement address at the Massachusetts Institute of Technology, June 8, 1962.

**Dean's Report 1961-62**

As in earlier reports, I begin with some observations about our students — past, present and prospective.

**THE STUDENT BODY**

**ENROLLMENT**

Happily, the expected drop in the number of beginning students (forecast in my last Annual Report, p. 2) did not materialize. Actually, the class entering last September numbered 64 as against 63 in September of 1960. As anticipated, however, there was a decline in total enrollment — from 169 to 154, that is, 8.9%.

Total enrollment last September was the smallest since 1957, when it numbered 150. Last year's student body included students from 29 states. 31% of the students were married; slightly over 20% were veterans. Colleges and universities represented in the student body totaled 59.

Applications for admission in September are running slightly ahead of last year. This should result in a somewhat larger entering class. Total enrollment may decline slightly, however, due to a smaller-than-usual graduating class.

In 1953 (my first full year as Dean) 18% of our students had done their undergraduate work at colleges or universities other than Notre Dame. In 1961 the figure had risen to 51.6%. This is a development we welcome, for it indicates that the Notre Dame Law School is exerting a progressively wider appeal.

We are convinced that a small law school can offer very great advantages. Accordingly, the gradual increase in enrollment, which we anticipate, will be limited to a maximum of 300. According to our hypothesis, the optimum enrollment is about 250.

The number of applications for admission has been growing steadily. In 1954, there were, in all, 126 applications. Last year that number had increased to 274. Yet first-year enrollment was almost exactly the same: in 1954, 126 applications produced 63 first-year students, whereas in 1961, 274 applications produced only 64. The chief reasons for this are (1) the sharp increase in the cost of attending the Notre Dame Law School and (2) our own greater selectivity. In 1950-51 tuition was $330 a year; now it is $1000. And other expenses have risen at least proportionately. This exerts heavy
pressure on the prospective student, who can attend the law school of his own state university for a small fraction of the cost of studying law at Notre Dame.

Moreover, since 1954 our entrance requirements have been raised progressively. This has resulted in the rejection of a constantly increasing number and percentage of the applications received. The requirements presently in use were described in my last Annual Report (p. 3) as follows:

"To be eligible for admission, an applicant must make a score of 500 or better on the Law School Admission Test and be in the top half of his college class. We will accept an applicant whose Law School Admission Test score is between 400 and 500 but only if he was in the top quarter of his college class. An applicant whose Test Score is below 400 is not eligible unless he was in the top 10% of his college class. Similarly, applicants who were not in the top half of their college class will be accepted but only if they score 600 or better on the Law School Admission Test."

These criteria will continue in effect until our experience indicates that a change is in order.

MORTALITY

The percentage of first-year students dismissed for scholastic deficiency in the eight-year period beginning with September, 1953 and ending with June, 1961, fluctuated between 15.9% in 1954-55 and 29.7% in 1957-58. Last year (1961-62) it was down to 14.1%, which reflects the greater selectivity referred to above.

The percentage of students dismissed for scholastic deficiency in each of the last three academic years is shown in the following table.

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<td>1959-60</td>
<td>23.6</td>
<td>8.3</td>
<td>0.0</td>
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<td>1960-61</td>
<td>22.2</td>
<td>6.0</td>
<td>0.0</td>
</tr>
<tr>
<td>1961-62</td>
<td>14.1</td>
<td>7.3</td>
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Total first-year attrition, including voluntary as well as involuntary withdrawals, fell to an eight-year low of 20.3% from a high of 54% in 1957-58. This, too, we believe, was due to the higher standards of admission. Withdrawals, particularly involuntary withdrawals, represent a great waste of resources, both human and material. We, therefore, welcome the decline in the attrition rate. But I doubt that it can be reduced much more without lowering our standards, which we are determined not to do.

RECRUITMENT

A letter from Mr. John G. Hervey, Advisor to the American Bar Association's Section of Legal Education and Admissions to the Bar, contains these solemn words:

"We are convinced that the preservation of our form of government and the institutions which characterize Western society may well depend on the continued development of a strong legal profession and that the profession is obligated to make available men of first rank in character, integrity, and competence."

There is much to be said for that view. Accordingly, we have felt it incumbent upon us to extend and intensify our recruitment program. To that end, as reported last year (p. 3) alumni recruiting committees have been set up in a number of cities. The function of these committees is to interview first-rate prospective law students and talk to them about the practice of law and the advantages of the Notre Dame Law School. Committee members who have done excellent work include:

Raymond J. Broderick, '35, Philadelphia
Valentine B. Deale, '39, Washington, D.C.
Peter F. Flaherty, '51L, Pittsburgh
Burton M. Greenburg, '58L, St. Louis
Robert P. Gorman, '57L, New York
Daniel W. Hammer, '51L, Cleveland
Honorable William B. Lawless, '44L, Buffalo
Ronald P. Mealey, '56L, New York City
George P. Michaelis, '56L, Washington, D.C.
John L. Rossiter, '56L, Chicago
Paul F. Titter, '60L, Pittsburgh
George N. Tompkins, '56L, New York City
Eugene F. Waye, '58L, Philadelphia

Recruiting trips by members of the Faculty were made to 22 colleges and universities. These trips were made by: Asst. Dean Broderick, Professors Thomas F. Broden, Conrad L. Kellenberg, Edward J. Murphy, Robert E. Rodes and Bernard J. Ward. In addition, every Catholic college and university and every active Newman Club chaplain was reached by mail at least three times.

A number of alumni and friends of the School, to whom grateful acknowledgement is due, were extremely helpful in this work, especially, the following: Messrs. Hugh E. Wall, '36L, Edward J. Duffy, '51L,
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SCHOLARSHIPS

The following are typical of statements contained in letters from many prospective law students — able students who want to study law at Notre Dame but, obviously, cannot afford it.

"Last year my father suddenly passed away, leaving my mother with seven children, of whom I am the oldest. With all of my brothers and sisters now in school, it would be unfair and impossible to receive any more financial help from my family."

"I am the oldest in a family of six. One of my sisters is a junior in nursing school and the other plans to enter college after her graduation from high school a year from this June. Both of them are wholly dependent on my parents for financial support. My eight-year-old brother has all his schooling before him and therefore my parents feel that they should lay aside as much money as possible for him."

"I cannot expect any help from my parents because my father has been totally disabled for the past five years and has not been able to work. Although I have had summer employment for the past few years, those earnings have been exhausted by tuition and other expenses incurred at College. During those summers I was employed as a truck driver, salesman and food processor."

Unless we can help these men financially, they will go elsewhere — they will go reluctantly but they will go. In that event Notre Dame would become a rich man's law school. Who would want that to happen?

In 1959, 55 applicants sought scholarship assistance. That number has risen to 113 this year, an increase of over 100%.

In this connection Mr. T. E. Leavey, President of the Farmers Insurance Group of Los Angeles, made an important point. In a letter transmitting a generous contribution to the Law Scholarship Fund, Mr. Leavey called attention to the fact that "one of the significant American traditions is educational opportunity for young people with outstanding talent but with limited finances."

So it is most gratifying to record the success of the 1961-62 scholarship campaign. The amount raised (from July 1, 1961 to June 30, 1962) increased from $48,869.47 in 1960-61 to the record-breaking total of $67,037.56.

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This tremendous achievement was made possible by the devoted efforts of many people. Most of all, however, it was due to the inspired and untiring labors of Justice William B. Lawless, '44L, of Buffalo, President of the Notre Dame Law Association during 1961-62.

Others who did outstanding work include:

Frederick K. Baer, '36L, South Bend
Patrick J. Berrigan, '57L, Niagara Falls, N. Y.
Captain William H. Carnahan, '49L, Trux Field, Wis.
William P. Dixon, Denver
William B. Dreux, '33, New Orleans
James F. Dwyer, '26, New York City
Francis X. Fallon, '33, Grand Rapids, Mich.
John J. Fallon, '46, Kansas City, Mo.
Timothy E. Kelley, '48, Dallas
Paul H. McCabe, '47, Elmhira, N. Y.
John A. McGrath, '48, Washington, D. C.
Joseph P. McNamara, '29L, Bridgeport, Conn.
Maurice J. Moriarty, '51L, Chicago
Honorable John C. Mowbray, '49L, Las Vegas
John H. Neeson, Jr., '35, Philadelphia
William F. Spalding, '41, Los Angeles
Martin F. Torborg, '34L, Fort Wayne

Captain Carnahan, in particular, went all out, notwithstanding his recall to military service.

Membership in the 500 Club of the Notre Dame Law School increased substantially. This Club resulted from a suggestion — more exactly, from an inspiration — of Mr. Albert H. Monacelli, '34, a former President of the Notre Dame Law Association. Members agree to contribute not less than $100 annually to the Law Scholarship Fund. As the name suggests, the Club's goal is 500 members each pledged to contribute at least $100 annually. This would assure the minimum we must have for scholarship purposes each year. The following either joined or renewed their membership in 1961-62, many giving much more than the minimum amount:

Edward F. Aylward, '48
John Bodle, '50L
Honorable Hugh C. Boyle, '24
Roger P. Brennan, '33
Roger W. Breslin, '28
Bernard D. Broeker, '30
William E. Brown, '28
Edmund J. Burke, '51L
J. Vincent Burke, Jr., '33
Arthur J. Callaghan, '53L.
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Earl F. Gruber, '05L
Joseph F. Gunster, '13
Thomas G. Gutting
Frank D. Hamilton, '30
Thomas R. Hardart, '38
Edmund J. Haugh
Paul F. Hellmuth, '40
John T. Higgins, '22
Michael L. Hines, '48L
Frank N. Hoffmann, '33L
William T. Huston, '51L
John F. Hynes, '15L
James J. Jennings, Jr., '51
H. Clay Johnson, '34L
Honorable William B. Jones, '31L
Joseph B. Joyce, '56L
Lawrence A. Kane, Jr., '57L
Honorable Harry F. Kelly, '17L
Honorable Raymond J. Kelly
Honorable Roger J. Kiley, '23L
F. Richard Kramer, '51L
Mr. and Mrs. Ewald E. Kundtz
John F. Lambert, '52
Emmet G. Lenihan, '15L
F. Wendell Lensing, '30
John J. Locher, Jr., '36L
S. E. Locher, '33
William W. Macmillan, Jr., '53L
Edward B. Madden, '31
Joseph E. Madden, '27
Edward A. Mahoney, Jr., '41
William P. Mahoney, Jr., '40L
Charles P. Maloney, '16
Clarence Manion, Jr., '22L
Frank G. Matavedsky, '35L
Eugene A. Mayl, '24L
C. Roy McCanna

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Honorable Frank S. McCul- lough
Thomas F. McDonald
Dan McGlynn, '18L
James G. McGoldrick, '42L
Honorable John S. McKiernan, '34
Leo V. McLaughlin, '32
Joseph P. McNamara, '29L
Nicholas J. Meagher, '39L
William A. Meehan, '48L
John F. Mendoza, '51L
Albert H. Monacelli, '34
Maurice J. Moriarty, '51L
George B. Morris, Jr., '40L
Honorable John C. Mowbray, '49L
Thomas P. Mulligan, '38
Joseph W. Mullin
George J. Murphy, '51L
John P. Murphy, '12L
David A. Nye
Robert M. Ortale, '39
Donald J. Prebenda, '54L
John J. Reidy, Sr., '27L
Peter J. Repetti, '39
Elton E. Richter, '26L
Martin J. Rock, '48L
Charles W. Roemer, '58L

Special thanks are due also to the following benefactors (other than 500 Club members):

The J. Frederick Brown Foundation, Boston
Farmers Insurance Group, Los Angeles
W. Gerald Moore Educational Foundation, Boston
E. E. D. Shaffer Foundation, Chicago
Siragusa Foundation, Chicago
South Bend Tribune, South Bend

OTHER FINANCIAL AID

As I have said before, though scholarships are indispensable they cannot solve all of the financial problems of our students. In many
cases the best way to help students is to make it possible for them to solve their own financial problems. Accordingly, a student-loan program was set up in 1958 with the cooperation of the Continental Illinois National Bank and Trust Company of Chicago, under which deserving second- and third-year students can borrow up to $500 a semester. These loans, which are made by the Continental, are secured by a deposit made by the Notre Dame Law Association. So far as I know, in 1958 this was a new approach to the problem. Since then it has become the basis of a growing number of educational-loan programs. Thus United Student Aid Funds recently wrote me that it would "soon announce a plan for law students in Massachusetts with a reserve fund established by the Massachusetts Bar Association."

We are grateful to the Continental Illinois National Bank and Trust Company for the courage and foresight which enabled us to pioneer in this matter.

Last year the deposit with the Continental was increased by generous contributions of the Ford Motor Company and Mr. Earl F. Gruber, 'OSL, of Frankfort, Indiana. The deposit is now sufficient to support loans totaling $80,692.20.

But something more is needed than scholarships and loans. Though they are indispensable, they are not enough. The wives of married law students possess a variety of skills, which would go a long way toward solving their financial problems if arrangements could be made for the proper care of their children during working hours. In short, there is urgent need for a day nursery on or near the campus. The University Administration has accepted this proposal in principle, and I am hopeful a way soon will be found to overcome certain practical difficulties.

STUDENT ACTIVITIES

NOTRE DAME LAWYER

At the December meeting of the Association of American Law Schools Dean Snodgrass of UCLA (Hastings) asked me whether members of our Faculty devote a great deal of time to the Notre Dame Lawyer. I replied that the Lawyer is completely student-edited. Thereupon Dean Snodgrass remarked: "They do an incredibly good job and I wish you would tell them so for me." Somewhat later Dean Griswold of the Harvard Law School wrote me that the Notre Dame Lawyer was "surely doing a remarkable job."

The Eighth National Conference of Law Reviews was held at Notre Dame Law School

Notre Dame in April. Conference members include all of the better law reviews of the country. Fifty law schools were represented at the meeting. The principal speaker at the annual banquet was Mr. Burke Marshall, Assistant United States Attorney General in charge of the Civil Rights Division.

Our students are proud of the progress the Lawyer has made, and its editors are determined to improve it still further. To that end it is planned to publish five times a year instead of four, beginning with the next volume.

The following held editorial positions for 1961-62:

Editor, George P. McAndrews, Clinton, Iowa
Associate Editor, Joseph P. Summers, St. Paul
Articles Editor, George A. Pelletier, Jr., Midland, Texas
Note Editor, Michael E. Penner, Menasha, Wisconsin
Legislation Editor, Raymond W. Brown, Jersey City
Managing Editor, James K. Stucko, Chicago

MOOT COURT

Mr. Justice Douglas presided over the Court hearing the final argument in our Annual Moot Court Competition last October. Thus for the sixth consecutive year a member of the Supreme Court of the United States presided at the final argument. Next fall the Supreme Court will be represented by Mr. Justice White.

Sitting with Mr. Justice Douglas were Judge William H. Hastie of the United States Court of Appeals for the Third Circuit and Judge J. Skelly Wright of the United States Court of Appeals for the District of Columbia. At the time of the argument Judge Wright was a United States District Judge in New Orleans.

The students who participated in the argument before this distinguished tribunal were Mr. Joseph P. Aibright of Parkersburg, West Virginia; Mr. Michael M. Kelly of Victoria, Texas; Mr. Louis N. Roberts of Evansville, Indiana; and Mr. Norman H. Stark of Erie, Pennsylvania.

Mr. Albright was the winner and Mr. Roberts the runner-up. They received the A. Harold Weber Awards of $150 and $100, respectively.

After the argument Mr. Justice Douglas wrote me as follows: "I enjoyed the moot court very much indeed and congratulate you on its excellence."

Messrs. Albright and Roberts represented us in the Regional Moot
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Court Competition in Chicago; and were one of two teams representing the Region (Indiana, Illinois and Wisconsin) in the final round of the National Moot Court Competition in New York. There they defeated the team representing the University of Tulsa and lost to the team representing the University of Tennessee.

Officers of the Moot Court for 1961-62 were:

Director, Kevin M. Lyons, New York City
Assistant Director, James A. Goethals, Sturgis, Michigan
Assistant Director, Peter O. Kelly, Oak Park, Illinois

STUDENT LAW ASSOCIATION

The officers for 1961-62 were:

President, Louis N. Roberts, Evansville, Indiana
Vice President, James E. Gould, Chicago
Treasurer, James K. Stucko, Chicago
Secretary, Joseph R. Sullivan, Ridgley Park, Pennsylvania
Third-year Representative, George W. Vander Venne, Davenport, Iowa
Second-year Representative, James F. Lekin, Des Moines, Iowa
First-year Representative, Ernest S. Zavodynik, Cleveland

They functioned responsibly and effectively in what, at times, were trying circumstances. Mr. Roberts, especially, is to be commended for a fine performance.

GRAY'S INN

This, the newest of the student organizations, invites qualified persons to discuss current social, economic and cultural topics which bear on law. The speakers are then expected to answer questions, which at times are very searching indeed. Subjects discussed last year at the Inn's informal, off-campus meetings ranged from public housing to organized crime.

The officers for 1961-62 were:

Treasurer, Paul K. Rooney, New York City
Vice Treasurer, Ralph H. Witt, Atlanta
Keeper of the Black Book, Joseph P. Summers, St. Paul
Master of Revels, Stanley B. Nelson, Philadelphia

Notre Dame Law School

PUBLIC DEFENDERS PROGRAM

This program, inaugurated in 1960-61, was described as follows in my last Annual Report (p. 10):

"On the initiative of a group of second-year students, a modest program was set up under which a small number of interested students worked closely with the two South Bend public defenders, namely, Messrs. Alexis T. Cholis, '42L, and Edward V. Minczeski, '41L. The students interviewed the accused, checked points of law and fact and, in those cases in which a plea of guilty was entered, investigated the background of the accused and prepared a memorandum for use at the time of sentencing."

The students who participated in this activity, a small group of volunteers, felt that their work was fruitful and found it satisfying; and the program will be continued.

PRIZE WINNERS

Mr. Joseph P. Summers of St. Paul, top man in the graduating class, was the recipient of the Hoynes Award of $100.

The Farabaugh Prize of $25 and the Lawyers Title Award of $100 went to Mr. George P. McAndrews of Clinton, Iowa, Editor of the Notre Dame Lawyer.

Mr. George A. Pelletier, Jr., of Midland, Texas, was the recipient of the Law Week Award.

The A. Harold Weber Awards for the best senior research papers went to Mr. Foster L. Haunz of Louisville, Kentucky ($150) and Mr. Robert M. Brady of Celina, Ohio ($100). As noted elsewhere in this Report (p. 9) the A. Harold Weber Moot Court Awards were won by Mr. Joseph P. Albright of Parkersburg, West Virginia ($150) and Mr. Louis N. Roberts of Evansville, Indiana ($100).

PLACEMENT

Our Director of Placement, Professor Murphy, continued to expand and improve our placement program. Virtually all members of the class of 1962 who actively sought employment (except, of course, those who were shortly to enter the armed services) had received firm offers before Commencement.

Pertinent in this connection is the following letter from one of the partners of a prominent, big-city law firm.
"We had the opportunity to meet with a number of your graduating seniors this year. This year we also visited and quite extensively recruited at Midwestern and Eastern Law Schools, and it was the consensus of our office that the Notre Dame Law School graduates were among the very best prospects which our office met in the entire course of this year's interviews."

Three members of the class received judicial clerkships: Mr. William E. Kelly of Chicago will be working for United States District Judge Robert A. Grant in the Northern District of Indiana; and Messrs. George P. McAndrews of Clinton, Iowa, and Michael E. Phenner of Menasha, Wisconsin, will serve as clerks for Judges Luther M. Swygert and Roger J. Kiley, respectively, in the United States Court of Appeals for the Seventh Circuit.

BAR EXAMINATION RESULTS

Of those members of the Class of 1961 who have taken the bar examination in the State of intended practice, 40 passed on the first try, i.e., 81.6%. This is a decline from approximately 89% in each of the two years immediately preceding. We are not proud of this showing. In some part it was caused by failure to prepare for the bar examination by reviewing the work of all three years of law study—an inexcusable blunder.

PROGRAM OF INSTRUCTION

The Faculty approved recommendations of the Curriculum Committee that (1) consideration of any antitrust problems be transferred to the course on Government Regulation of Business; (2) an extra semester-hour be added to that course; and (3) that it be taught in the fifth semester after the Administrative Law and Labor Law courses, which are given in the third and fourth semesters. To make possible these improvements, the time devoted to Business Organizations was reduced from four semester-hours to three; and the course on International Organizations and Problems was moved from the fifth to the third semester.

THE FACULTY

Professor Edward F. Barrett completed a revision of our Practice Court Manual. This is a complete set of rules of pleading and pro-
fection by his many former students, died of a heart attack in June. He had retired in 1958 after 31 years of teaching in the Notre Dame Law School. We mourn his passing.

Professor Robert E. Rodes, Jr. delivered three public lectures under the auspices of The Law School and the University’s Maritani Center. The lectures dealt with the historical development of the relationship between Church and State in Great Britain, a subject which he studied intensively at Oxford University during 1960-61. This project was made possible, as I noted in my last Annual Report, by the award to him of a Ford Foundation Law Faculty Fellowship. Last March Professor Rodes delivered the first of ten lectures at Indiana University (South Bend Center) on “Modern Trends in Religious Thought.”

Professor William D. Rollison conducted an Estate Planning Symposium at the Valparaiso University School of Law.

Professor Bernard J. Ward was promoted to the rank of full professor. Chief Justice Warren appointed him to be the Reporter of the Advisory Committee on Appellate Rules of the Judicial Conference of the United States. The Committee has been directed to make a comprehensive study of appellate rules and procedures with a view to formulating improved and uniform appellate rules for all of the United States Courts of Appeal.

Professor W. J. Wagner resigned in order to accept an invitation to join the Faculty of Indiana University School of Law at Bloomington, where he will set up a comprehensive program in comparative law—his field of special interest. He takes with him our warm best wishes for a happy and fruitful career at Indiana.

Professor Harris L. Wofford, Jr., who is on leave of absence, resigned as Special Assistant to the President in May and was appointed Special Representative for the Peace Corps in Africa. He will make his headquarters in Addis Ababa and will be in immediate charge of the Ethiopian Program, which involves 300 secondary-school teachers. In addition, he will have over-all supervision of all Peace Corps projects in Africa.

The President appointed me a member of the newly created Advisory Committee on Equal Opportunity in the Armed Services, and I was reappointed a Consultant to the Ford Foundation, to serve as a member of the Law Faculty Fellowship Screening Committee. In May I attended the National Law and Electronics Conference at UCLA. This three-day conference explored in depth the possible use of electronic data retrieving mechanisms in legal research.
on about our business; it is imperative that we do so. We cannot forget, though, the words of Lord Acton:

"Power tends to expand indefinitely, and will transcend all barriers, abroad and at home, until met by superior forces." Quoted in Himmelfarb, Lord Acton, 220 (1952).

And we would do well to remember the fate of the inhabitants of Hispaniola (now known as Watling's Island or San Salvador) where Columbus first landed in the New World:

"Of the original natives, estimated by a modern ethnologist as 300,000 in number [when the Spaniards arrived in 1492] one-third were killed off between 1494 and 1496. By 1508 an enumeration showed only 60,000 alive. Four years later that number was reduced by two thirds; and in 1548 Oviedo doubted whether 500 Indians remained. Today the blood of the Tainos only exists mingled with that of the more docile and laborious African Negroes who were imported to do the work that they could not and would not perform."

"The fate of this gentle and almost defenseless people," continues Professor Morison, "offers a terrible example to Americans who fancy they will be allowed to live in peace by people overseas who covet what they have." Morison, Admiral of the Ocean Sea, 493 (1942).

"I do not mean to be a prophet of nuclear doom. There are other ways of overwhelming us than by nuclear assault and the Communists are well aware of it. If we are being told the truth, America is still ahead militarily. On the economic front, however, there are signs that we are losing. Recently Walter Lippman wrote of the 'grinding reality of our declining industrial supremacy.' South Bend Tribune, Apr. 13, 1962, p. 12. As to this the Nation appears indifferent, perhaps for want of understanding the peril."

"On the other hand, according to an experienced observer of Soviet affairs, Khrushchev 'appears to have great faith in the potentialities of economic power. It is a subject to which he often refers. At the Twenty-First Congress of the Soviet Communist Party, he declared that the international situation would change radically when the Soviet Union becomes the leading industrial power, when the Communist bloc produces more than half the world's industrial output.' "Ulysses, "The International Aims and Policies of the Soviet Union: the New Concepts and Strategy of Khrushchev," 24 Review of Politics 183, 265 (Apr. 1962). A prominent industrialist has expressed the same view:

"The Soviet bloc] have not abandoned their goal of world domination, but the means they have chosen to achieve this end are not entirely those of armed warfare. Instead, in the present state of Soviet aggression, they mean to take over

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the world through economic and industrial domination." Address by M. J. Rathbone, President of Standard Oil Company (New Jersey) before the Economic Club of Detroit Apr. 9, 1962.

And there is support for this assessment of the situation in a recent address by Mr. Henry Shapiro, for 25 years Moscow Bureau Chief for United Press International:

"The present generation of [Soviet] leaders—many of them in their 40s—have been trained in economics, engineering and industrial management—[when based on ability to produce . . .] South Bend Tribune, May 6, 1962, p. 10, col. 2.

This is present-day Russia's grand design for the triumph of Communism—to outproduce the West, to surpass us industrially.

"How are we responding to the challenge? I referred last year to Admiral Rickover's assertion that 'life without effort appears to be our national goal.' Unpublished address at the University of Notre Dame, Feb. 22, 1961. This is selling out to the Enemy for, as the Admiral has pointed out, 'everything we do either strengthens or weakens the coalition fighting to preserve its right to remain free.' Id. The electricians in New York who demanded a 25-hour week and the employers who granted it struck a major blow against freedom. Business Week, Jan. 27, 1962, p. 36. Very likely it will be followed by other and even greater blows. Thus we are told that a campaign is now under way to obtain a 25-hour week for all union members in New York. South Bend Tribune, Apr. 25, 1962, p. 53. If that campaign succeeds, the infection will spread across the Country, costs and prices will continue to rise, and we will cease to be competitive. As well surrender to the Communists and be done with it.

"When the strong man, fully armed, guards his courtyard, his property is undisturbed. But if a stranger than he attacks and overcomes him, he will take away all his weapons that he relied upon and will divide his spoils.' Luke 11:21, 22. Nuclear superiority, if we have it, is not enough; it will not save us if the Enemy becomes stronger industrially—and psychologically. After all, why should the Communists take the risk of nuclear war so long as there is good prospect of winning by surpassing us industrially? And they are working to surpass us. As Barbara Ward has pointed out:

' . . . [The amount of effort, interest, preparation, and sheer slogging hard work which the Communists tend to put into the task of building their version of world order very greatly exceeds what we are ready to do or the sacrifices we are prepared to make.'] "Rich Nation, Poor Nation," Commonweal, July 7, 1961, p. 533.
"'Somehow,' says General Hershey, 'we've got to get ourselves tough enough to fight for the things we believe in.' South Bend Tribune, Mar. 7, 1962, p. 8. But the question, I think, is whether we still believe in them. 'People need something to believe in,' remarked a London dealer in charms and amulets, whose business is said to be prospering. South Bend Tribune, July 7, 1961, p. 8, col. 6. Is this not simply another manifestation of the decay of Western man's belief in the values which made him what he is?

"'Unless we believe in staying free and therefore in staying strong, we will not have the will to win the cold war. And without the will to win we are already undone.

"'What is too little understood is that this is a time of crisis. Perhaps the most fateful decision in history is waiting to be made, that is, whether to press on for shorter hours, less work and greater ease or, in the words of Colonel Glenn, 'to take the dare of the future' (South Bend Tribune, Feb. 20, 1962, p. 1, col. 7) and go back to work. If we choose the former alternative we will decay and founder, as the Greeks and Romans did and as the Communists fully expect us to do, leaving the world to them.

"'In the address he is about to deliver, the distinguished President of the American Bar Association, Mr. John C. Satterfield, will say—and will say truly—that the Communists will bury themselves—if we help them. But will we help them or will we, instead, insist on helping them to bury us? Like Mr. Mowrer, I am not at all sure which it will be.'"

NATURAL LAW INSTITUTE

Professor Harry W. Jones, Cardozo Professor of Jurisprudence at Columbia University School of Law, accepted appointment as an associate editor of the Natural Law Forum. In addition to Professor Noonan of our Faculty, the Editor, the Forum's Editorial Board now consists of the following distinguished scholars:

Professor Vernon J. Bourke, St. Louis University
Mr. George W. Constable, Kansas City
Professor W. J. Curran, Boston University School of Law
Professor A. P. d'Entreves, Turin University, Italy
Professor C. J. Friedrich, Harvard University
Professor Lon L. Fuller, Law School of Harvard University
Professor Iredell Jenkins, University of Alabama
Professor Harry W. Jones, Columbia University School of Law
Professor Wilber G. Katz, University of Wisconsin Law School
Chancellor Edward H. Levi, The University of Chicago

NOTRE DAME LAW ASSOCIATION

Mr. Camille F. Gravel, Jr. '35, of Alexandria, Louisiana, was elected president of the Notre Dame Law Association at the annual meeting at The Law School in June. Also elected were:

Honorary President, Honorable William B. Lawless, '44L of Buffalo
Vice President, Valentine B. Deale, '39, of Washington, D.C.
Secretary-Treasurer, George N. Tompkins, Jr., '56L, of New York City

Newly elected directors of the Association are:
Timothy E. Kelley, '48, of Dallas
Maurice J. Moriarty, '51L, of Chicago
Ralph G. Schulz, '53L, of Milwaukee
Joseph C. Spalding, '52L, of New York City

The Notre Dame Law Association sponsored a conference on "The Trial Lawyer—1962" from Wednesday to Friday of the Reunion Weekend. The speakers included celebrated lawyers and judges from all over the country. Chief Judge Desmond of the New York Court of Appeals, a member of the Law Advisory Council, moderated the panel on the "Trial of Criminal Cases." The panelists were Harold S. Sawyer, Jr., of Grand Rapids and Paul W. Williams of New York City. Assistant Dean Broderick moderated the panel on "Preparation and Technique in the Trial of Negligence Actions" and participants included Emile Zola Berman of New York City. The panel on the "Trial of Antitrust Suits" was headed by Honorable Lee Loewinger, Assistant United States Attorney General in charge of the Antitrust Division.

Father Hesburgh welcomed the panelists at dinner at the Morris
LAW ADVISORY COUNCIL

Mr. Henry M. Hogan of Birmingham, Michigan, was appointed to the Law Advisory Council. Until March 24, 1961, when he retired, Mr. Hogan was Vice President and General Counsel of General Motors Corporation. He is a member of the American Bar Association, the State Bar Association of Michigan, the Association of the Bar of the City of New York, the New York County Lawyers Association, the Association of General Counsel and the American Judicature Society, and is a Fellow of the American Bar Foundation. Mr. Hogan is a most welcome addition to the Council.

CONCLUSION

"In all occupations, the level of competence required is constantly increasing." The Pursuit of Excellence: Education and the Future of America 9 (1958). We can keep pace only by constantly raising our sights.

There will be some resistance to this. Happily, the University Administration fully supports our program of increasing excellence; and I look to the future with confidence.

Many people contributed to the progress we have been able to make since I came to Notre Dame in October of 1952. Special thanks are due, first and foremost, to Father Hesburgh, and also to Father Soltes and the latter's predecessor as Academic Vice President, Father Philip S. Moore; to our able, hard-working and increasingly productive Faculty; to the Notre Dame Law Association and, more particularly, to the men who have served it as president since 1953-54, especially

Respectfully submitted,

JOSEPH O'MEARA
Dean

August 15, 1962

FACULTY PUBLICATIONS 1961-62

EDWARD F. BARRETT

Artcle:
The Adversary System and the Ethics of Advocacy, 37 Notre Dame Lawyer 479 (1962).

THOMAS F. BRODEN, JR.

Book:

Article:

JOHN J. BRODERICK

Book:

EDWARD J. MURPHY

Book Review:
JOHN T. NOONAN, JR.

Article:
Private Property, accepted for publication in New Catholic Encyclopedia.

Book Reviews:
James M. Moynihan, Papal Immunity and Liability in the Medieval Canonists (Rome: Univ. of Gregoriana, 1961) accepted for publication in Catholic Historical Review.

Articles:
ROGER PAUL PETERS

WILLIAM D. ROLLISON
Co-Ownership of Property in Estate Planning, accepted for publication in Notre Dame Lawyer.

W. J. WAGNER

Articles:

La codificazione del diritto in Europa ed il Movimento per la codificazione negli Stati Uniti intorno alla meta del diciannovesimo secolo, 12 Jus 519 (Milano, Italy, 1961).
La teoria dell'atto di governo secondo la giurisprudenza degli Stati Uniti, 12 Jus 541 (Milano, Italy, 1961).
Consensual Obligations in Poland — Interplay of Planned Economy and Traditional Contract Rules, accepted for publication in American Journal of Comparative Law.
Some Problems of Revocation and Termination of Offers — Necessity of Communication — Time of Revocation — Death, accepted for publication in Notre Dame Lawyer.
Teaching of Torts by the Comparative Method, accepted for publication in Egyptian Review of Comparative Law.
The Theory of Federalism, accepted for publication in University of Cairo Law Review.
Fictitious Federations, accepted for publication in Central European Federalist.

Book Reviews: