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## From the Editor's Desk

Notre Dame Law Review Editors

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## From The Editor's Desk—

In this issue the *Lawyer* is honored to present two very fine lead articles which are timely and should prove to be of wide appeal. Mr. Richard K. Berg contributes part I of a two part review of the principal legal developments — both administrative and judicial — that have occurred during the past three years in the operation of Title VII of the Civil Rights Act of 1964. Giving due emphasis to the role of the Equal Employment Opportunity Commission, this part concentrates on procedural developments in the law under Title VII; it also covers the substantive law on sex discrimination. Noting that the effect of the provision has suffered as a result of lack of clarity and legislative compromise, Mr. Berg analytically surveys the evolving interpretation of this important title from its inception to the present day. Part II, which will appear in a later issue of the *Lawyer*, will examine the substantive law on race discrimination, giving particular attention to seniority and testing. It will also describe the organization of the Equal Employment Opportunity Commission, which is the administrative body charged with the administration of Title VII. Finally, it will consider Attorney General's suits under the Act. As former Deputy General Counsel and former Acting General Counsel of the Commission, Mr. Berg is extremely well-qualified to relate his three year view of Title VII.

The *Lawyer* breaks new ground with its publication of an article by Professor Thomas L. Shaffer of the Notre Dame Law School. An established authority in the area of estate planning, Professor Shaffer writes on the psychological aspects of will interviews, basing his article principally on the firsthand observations of his students who conducted will interviews with real clients. Basically, he demonstrates that a will interview is a confrontation for the client with his own death, that the client's personality is somehow involved in his property and this involvement is related to this attitude toward death, and that the experience of making informed choices about property disposition seems to have a therapeutic effect on clients. Professor Shaffer concludes by calling for greater attention in the old legal subject of wills to this new dimension — “the psychology of testation.”

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This issue also features a student article of particular quality and interest which culminates long months of intensive research in a field that previously has received little or no written recognition. Authored by Thomas J. Reed, an editor with a special expertise in the area, the article concerns the land use controls, both past and present, that are available for the preservation of historical areas and individual structures. As a basic premise, it makes a strong case for our need to be concerned with the retention and accurate representation of these links with our heritage. It then details the use of the eminent domain and

police powers of governmental jurisdictions in preventing the destruction of areas of traditional American interest, the efforts of certain individuals and private corporations in rebuilding and maintaining these tourist attractions, and the legal controls employed by them in furtherance of these goals. Additionally, Mr. Reed has drafted two pieces of noteworthy legislation — a state enabling act for the creation of historic district zones and a model historic district zoning ordinance — which should provide appropriate and valuable guidelines for active preservation groups and other interested citizenry.

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On November 2, 1968, the Notre Dame Moot Court presented the final argument of the Nineteenth Annual Moot Court Competition. The four contestants — Mr. Albert J. Bannon of Pennsylvania, Mr. J. Patrick Cooney of Texas, Mr. H. David Prior of Rhode Island and Mr. James E. Rolls of New York — ably argued *Shapiro v. Thompson*, an actual case pending before the Supreme Court of the United States. On the basis of their written briefs and oral arguments, Mr. Rolls and Mr. Prior were awarded first and second place respectively by a distinguished court comprised of Judge Charles Desmond, former Chief Judge of the New York Court of Appeals, Judge Roger J. Kiley of the United States Court of Appeals for the Seventh Circuit, and Judge Myron H. Bright of the United States Court of Appeals for the Eight Circuit. Although Justice Thurgood Marshall was originally scheduled to preside over the court, he felt that his participation would be improper since the case had not yet been finally decided by the Supreme Court.

*Shapiro v. Thompson* presents the question of whether section 17-2d of the *Connecticut General Statutes* is constitutional. That section makes one year of residence in the state of Connecticut a prerequisite to the receipt of public assistance under the Aid to Dependent Children Program (ADC). When it was used by Bernard Shapiro, Commissioner of Welfare of the State of Connecticut, to deny Miss Vivian Thompson's request for ADC support following her move from Boston to Hartford, she requested the convening of a three-judge United States District Court to rule on its constitutionality. The court held, one judge dissenting, that the one year residency requirement was unconstitutional because it violated Miss Thompson's constitutional right to freedom of travel and equal protection of the laws. Commissioner Shapiro appealed this ruling to the United States Supreme Court.

The traditional imposition of residency requirements in several other areas of the law, notably voting, makes the importance of this question transcend the facts of *Thompson*. In the April issue of the *Lawyer*, Messrs. Cooney and Prior will examine in detail the potential ramifications of the constitutional arguments advanced in *Shapiro v. Thompson*.