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Notre Dame Law School Student Bar Association

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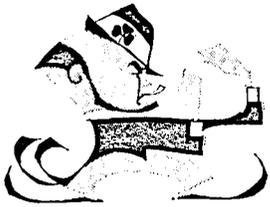


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Dooley's Dictum

A Newspaper of, by and for the Fighting Irish Lawyers of Notre Dame

Vol. 1 No. 6

Notre Dame, Indiana

March 11, 1971

Senate Committee Counsel Favors Wiretaps

BY TOM DOVIDIO
Dictum Co-Editor

G. Robert Blakey, chief counsel of the United States Senate's sub-committee on Criminal Law and Procedures, told Notre Dame law students that "if we're going to be serious about organized crime, we've got to be serious about allowing wiretapping—it just comes down to that."

Blakey spent all of last Friday at the law school granting interviews, speaking to classes, and addressing Gray's Inn. This was his first return to Notre Dame since taking an academic leave two years ago to serve on Senator John McClellan's sub-committee to the Senate Judiciary Committee.

Blakey is a "Triple-Domer" in the traditional sense. He received his bachelor's degree in 1957 and his law degree in 1960—both from Notre Dame. Fol-

lowing graduation he participated in the Attorney General's honor program, serving in the Department of Justice's Organized Crime and Racketeering section. He then returned to Notre Dame and taught Criminal Law and Property for the next five years.

Blakey described the sub-committee as having theoretical jurisdiction over all criminal laws and procedures, but practically speaking it is an extension of Senator McClellan's personality. Blakey stated this is typical of all committees in that they view priorities as determined by their chairman. At the top of this committee's list is a review of the recommendations of the Brown Commission which will result in the codification of a comprehensive federal criminal code—an historical precedent.

Substantively, this code will sweep across the board of criminal offenses—from insanity and culpability, to air piracy and white slave traffic. Procedurally, the committee will go beyond the Brown Commission's work and include for the first time a national definition of insanity.

Blakey feels such a definition is most necessary because at present, "if you have a mad dog bank robber, who is found not guilty by reason of insanity, he walks out the door unless someone steps in with a civil committee action."

In the areas of wiretapping and electronic surveillance, Blakey has a particular expertise. While in the Justice Department he handled a heavy caseload of wiretap actions, including many from New York, where they were sanctioned at that time. Blakey's position is to favor the use of limited court order electronic surveillance.

In defining that term Blakey said, "Electronic surveillance must be loose enough to be effective, as an investigative tool, but if it is not an effective

tool, then why do it? If you are going to authorize it, just the mere fact of authorization carries with it a certain social price. People know there can be surveillance now. It means police officers will be trained in techniques, and that carries with it a danger if not conducted properly."

Blakey went on to define "limited" in the sense that there are standards, and "court order system" in the sense that there is at least theoretic, objective outside party supervision.

When asked how successful electronic surveillance has been in helping stem the tide of organized crime, Blakey said that any law enforcement tool will be helpful. But that, "wiretapping, as an effective tool in aiding police identity and prosecuting criminals involved in organized crime, has been remarkable; that the basic design, in fact, works."

Blakey went on to cite an example to support his position. "With the aid of a wiretap in the District of Columbia, the Bureau of Narcotics—in the period of six weeks—was able to move from a street buy to the major Mafia importers and also arrested the major distributor. They literally took out, at one fell swoop, the major dealership. The immediate impact on the street was that there were no narcotics on the streets—literally none. Addicts turned up in droves to the methadone clinics."

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G. Robert Blakey

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Notre Dame Law School Presents



LAW BALL - SPRING '71

MARCH 20, 1971



AT SOUTH BEND'S NEWEST AND FINEST:

ALBERT PICK MOTOR INN

IN THE GRAND BALL ROOM



FEATURING



JACK COOLEY QUINTET

FOR YOUR DANCING PLEASURE



EDDIE CLEVELAND

SINGING YOUR REQUESTS



FREE DRINKS



TEN DOLLARS PER COUPLE

ON SALE NOW IN S. B. A. OFFICE

On the Docket

March 10

Wrestling—Marquette at Notre Dame, 7:30

March 12

Hockey—Air Force, 7:45.

March 13

Hockey—Air Force, 7:45.

Fencing—Buffalo and Wayne State at Notre Dame 1:30.

NCAA Regional Basketball Tournament featuring Jacksonville, Marquette, Western Kentucky.

March 17

St. Patrick's Day.

Michiana Boat and Marine Equipment Show—ACC

March 20

Spring Law Ball—Albert Pick Motor Inn.

March 22

First Year Moot Court—Second Round, thru March 26.

March 23

Moot Court Semi-finals, Second Round, Hayes Healy Business Center.

March 26

Spring Band Concert—ACC. Varsity Indoor Tennis.

March 27

Varsity Indoor Tennis. Roller Derby.

Dooley's Dictum

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Subscription rates are \$5.00 per year. They may be ordered by addressing the editors, in care of this newspaper.

Lawyer staff elects Maledon Editor-in-chief

BY BOB LUECK
Dictum Co-editor

William E. Maledon, a second-year law student from Detroit, Mich., has been selected editor-in-chief for Volume 47 of the *Notre Dame Lawyer*.

Maledon's selection was by a majority vote of the *Lawyer* staff. He won over three other candidates for the position. The actual vote count was not released by the staff.

At issue in the election were the possibility of publishing six issues instead of the current four issues a year, increasing the staff to reflect increased enrollment and publication frequency, and obtaining an increase in the budget allotment from the university.

Following his election, the new editor outlined his plans for the near future. His first and most immediate task was the selection of the new editorial board.

The editorial board for the next volume will be increased by six positions over the past board. Four more note and comment editors have been added along with another associate editor and an administrative editor. The latter is a newly created position.

The new position was necessary, Maledon said, because of an expected increase in size of the staff.

The staff increase will take place next fall when current first year students will be chosen. "We will take 25 second year students next fall," Maledon noted. "Twenty of them will be chosen on the basis of grades and the other five will come from the writing competition."

The competition will be held in September. A committee of third year staff members will review all the case comments submitted in the competition and make their selection. The new editor will announce further details of the competition later this month.

Articles for the first issue are already being solicited. The deadline for copy for number one is May 15.

Maledon is the third *Lawyer* editor-in-chief in a row to come from the state of Michigan. The first in this trend was Richard Farina followed by the current editor, James B. Flickinger.

March will be busy month for Law School politicians

BY BILL MURPHY
Dictum Staff Writer

Anyone who's had anything to complain about during the past six months is going to love the month of March.

The Student Bar Association (SBA) elections are coming and most of the real action will be happening in March, although the elections are set for April 2.

Thus any students harboring gripes concerning any facet of law school life will find plenty of sympathetic ears, i.e. the candidates, eager to listen to their presumably well-founded complaints.

Although the elections are more than a month off, the SBA has already mapped plans for what may well be one of the most procedurally efficient undertakings this year.

The program calls for erstwhile candidates to pick up their petitions in the SBA office March 12 and return them no later than 4 p.m. on the 19th with the minimum five signatures.

The elections will be conducted via separate ballots for each of three divisions: SBA executive board, First Year class officers and Second Year class officers.

The executive board will be filled by two second year people for the offices of President and Vice-President and two first year students as Secretary and Treasurer.

First Year class officers elected will be president (who also serves on the SBA executive board), vice-president, secretary-treasurer and alternate SBA representative. Second year students will elect a president also serving on the SBA board, a vice-president and a secretary-treasurer.

Although campaigning will not begin until March 29, all of the candidates will

be formally announced to those of the student body in attendance at the Law Ball March 20.

In addition, candidates wishing to post position papers may do so as soon as their petitions have been turned in, according to Paul Binder, commissioner of elections.

He added that all such papers should be posted on the large bulletin board between the Moot Court and Lawyer bulletin boards at the entrance to the Law library and should be no more than two pages.

Candidates will be instructed as to election rules before campaigning begins at a special meeting at 7 p.m. March 22 in the law auditorium, and all other inquiries concerning the election should be directed to Binder or Stephen A. Boone, current SBA president.

The brick walls of the stairwells at the north entrance to the law school may be used by all candidates for signs and posters as far as the first floor level, according to Binder, who added that candidates may also form political parties.

Following the two day campaigning period, the student body will get a chance to hear the candidates attack and defend their positions in a debate April 1 at 8 p.m. in the law auditorium followed by a question and answer period open to the students.

Election booths will be set up in the first floor corridor the following day until the polls close at 4:30 p.m.

"We think this will be the most efficiently run election of any law school in the country—bar none. All the candidates are going to be completely briefed regarding the rules, and there won't be any preclass speeches as there were in the past. We've eliminated a lot of the old problems," said Binder.

RetorT:

To the Editors:

In my opinion, Notre Dame's search for a new Dean should end before it begins. Ed Murphy is qualified in every respect for the position.

Sincerely,
Francis M. Gregory, Jr., '66
Sutherland, Asbill,
and Brennan
Washington, D.C.

For Rent:

2 houses on Notre Dame Ave. 5 students per house. Fully furnished. Reasonable rates. Utilities paid. Landlord will hold for Sept. occupancy. Prefers law students. For further information contact Tom Dovidio, in care of this newspaper.

Three squads are undefeated in law basketball action

BY PAT HERALD

The intramural roundball schedule was back in full swing last week with six games being played.

In the Friday evening twinbill, Team 9 captured the opener to remain undefeated with a 69-49 victory over Team 11. The third year quintet was sparked by Theo Leo with 14 points. Don Swanson led the losers netting 18.

In the nightcap, Team 10 earned their initial triumph over winless Team 12 by a 62-41 margin. Jim Bertucci and Mike Hilliard combined for 40 points in the winning effort: Joe Schoellkopf kept Team 12 within striking distance, canning 18.

In Sunday afternoon action, a scheduling mix-up caused the cancellation of the 1:00 p.m. contest between Team 9 and Team 12. That game will be rescheduled. The 2:00 p.m. game saw last week's top-seated Team 4 without the services of team leader John Suminski due to a weight-lifting injury. However, Don Ghering picked up the slack with a fine 19-point performance over a disappointing Team 1. The final score was 49-40.

L.S.A.A. Poll

1. Team 6 (2)195
2. Team 4 (2)185
3. Team 9 (1)150
4. Team 3 90
5. Team 7 40

(Numbers in parentheses indicate first place votes received).

Surprising Team 3, after opening the season with a loss, collected its second victory with a 39-33 win over previously unbeaten Team 7. Rittenger and Fruistante collected 10 apiece for the victors. Dwight Murphy accounted for 20 of his team's 33 points.

Team 6 continued its winning ways with another impressive victory, Team 2 being victimized 82-32. Bennett Webb again led a well balanced team effort. Dave Naylor played well in the romp for the losers.

This weeks LSAA poll by the sports writers finds Team 6 capturing the No. 1 position, dethroning Team 4. The ballot-

ing was close but the votes seemed to indicate that the performance of Team 6 and its impressive scores account for their top spot this week. Team 4 was relegated to No. 2. Team 9, the remaining unbeaten club, maintained their third ranking with the brunt of their schedule yet to come. Team 3 appears for the first time in the rankings and could be the team to watch if they can put it all together. Team 7 completes the top five.

FROM THE KOMMISSIONER'S DESK:

Rumors are flying about the pending one on one hardwood match between Prof. David "The Dream" Link and Ray "Schnoz" Scotto. Jimmy the Greek has set the odds at 5-4 giving "The Dream" the advantage.

The Law School's two entries in the Grad School Basketball League are sharing the top spot. Both sport undefeated records.

I-M TEAM STANDINGS

TEAM	W	L	TEAM	W	L
team 4	3	0	team 10	1	1
team 6	3	0	team 1	1	2
team 9	3	0	team 12	0	2
team 3	2	1	team 5	0	2
team 7	1	1	team 8	0	2
team 11	1	1	team 2	0	3

Dooley's Dictum
 Notre Dame Law School
 Notre Dame, Indiana 46556

First Class

Blakey speaks on wiretaps

(Continued from page 1)

When asked for his recommendations for a short-term relief to organized crime, Blakey said that law enforcement, on the federal level, now has all the tools it needs to eradicate this problem. He said that the problem now is one of psychology, of educating the American people. Citizens still view the court structure as a form of drama; its traditional role in the 19th Century. At that time, indeed until replaced by more modern media forms, the courthouse was a form of theater where people expected to be entertained, Blakey feels. It is this mental image of the role of the courts that still prevades the American mentality and hampers effective law enforcement.

In the rooting for the underdog, according to Blakey, the policeman becomes the villain. In this sense, the public actually sympathizes with organized crime. Blakey then stated in summary that the immediate need is for judicial re-organization and making the courthouse responsive to a 20th Century urban society. He is hopeful the Burger Court will provide this solution.

Monster, dread our damages.

We're the jury,

Dread our fury!

from Trial By Jury
 by Gilbert & Sullivan