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Dedication: Dean Joseph O'Meara

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Notre Dame will lose an eminent Dean of her Law School when Joseph O'Meara, to use his own words, "steps aside" as Dean upon the appointment of his successor. In his continued association with the Law School in a different capacity, Notre Dame will retain an eminent scholar and citizen. The former is cause for regret; the latter for rejoicing.

This issue of the *Notre Dame Lawyer* is dedicated to him. The students who contribute to its content, both in writing and in the many details essential to a completed edition, manifest in this way some of their appreciation of their Dean. They do so on behalf of themselves, their fellows, those who have gone before, and those to come in the years ahead to partake of legal education under the standards he has established.

Joseph O'Meara came as Dean in 1952 at the request of Father John J. Cavanaugh, C.S.C., who was succeeded later the same year by Father Theodore M. Hesburgh, C.S.C., as President of the University. The Administration's support of the Dean's conduct of his office over the past fifteen years has been thorough and constant.

A law school the size of Notre Dame's, with about 200 students,¹ is perhaps more readily influenced by the character and personality of her Dean than is a larger school. Be that as it may, it is clear to those who have followed the deanship of O'Meara that the Law School has acquired a new prestige under his guidance. I do not mean by this to compare with the past. The contribution of the Law School for nearly a hundred years to the bar, the judiciary, the nation, and the community of nations has been great. It is upon the foundations previously laid that the School has developed. But it must be said that under O'Meara, with his personal drive for excellence, a unique contribution has been made. I think all will acknowledge this and be grateful to him.

Dean O'Meara has been demanding. "Excellence," he has said, "is our platform and we can be content with nothing less."² To achieve this he demands hard work. With this in mind only those students deemed best equipped to attain excellence are carefully selected from among an increasingly large number of applicants.³

His thinking about his responsibility is evidenced by the following statements in one of his Reports:

[N]o one should come to Notre Dame unless he is prepared for continuous hard work. . . . "[I]n all occupations, the level of competence required is constantly increasing." *The Pursuit of Excellence: Education and the Future of America*.⁴

The higher the quality of the student body the higher must be the required standards of performance. "Much will be asked of the man to

1 "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." Report of the Dean, 1961-1962, p. 1.

2 Report of the Dean, 1962-1963, p. 2.

3 This has required rigid standards for admission, increasingly high in fact; yet O'Meara is not a man to make selectivity a fetish, divorced from common sense. See Report of the Dean, 1965-1966, pp. 2-3; Report of the Dean, 1962-1963, p. 2.

4 Report of the Dean, 1965-1966, p. 2.

whom much has been given; more will be expected of him, because he was entrusted with more." Luke, 12, 48 (Knox).⁵

His devotion to excellence is not abstract. It has been accompanied by the expenditure of himself to make it effective insofar as seems humanly possible. It has been accompanied, too, by the help of a dedicated and able faculty, congenial to his leadership. It has also had the day-to-day careful administration of the teaching task, interspersed with participation of eminent jurists in appropriate activities. In this way young men — and now there will be young women, too — are being equipped to assume the heavy responsibilities of their calling.

O'Meara's standards, it seems to me, rest upon two basic pillars: one, his personal ideals of the qualities to which an individual should aspire; the other, his conception of the lawyer's special place in the America of today and tomorrow. This combination and his practical efforts to make it a part of the lives of those entrusted to his shepherding could well be embraced by the rest of us and adjusted to whatever paths we follow. His vision of America and her people sees their needs as well-nigh unlimited, calling for expanding participation and responsibility on the part of the lawyer. To prepare men for this is the goal he has set for those who come to study law at Notre Dame. It is to nurture intellectual capacity, that is, to train intelligence⁶ under demanding standards. It is also "to make clear the ethical principles and inculcate the ideals which should actuate a lawyer."⁷ The task is no mean one, but it is no less than O'Meara has made his own. As he leaves the deanship he leaves a Law School of recognized excellence;⁸ he would not have it otherwise.

It is not amiss to add a few words about Joseph O'Meara as a lawyer and a citizen apart, as it were, from the demands of deanship narrowly considered. His career as a private practitioner was a successful and distinguished one before he came to the University to accept the challenge to teach and to guide the future lawyer. Some special mention should be made also of his assistance in the general development of the law through organizational activities, including his part in the studies of the American Law Institute and his membership on the Advisory Committee on Appellate Rules of the Judicial Conference of the United States, under appointment by the Chief Justice of the United States.

During his deanship O'Meara has continued to enhance the literature of the law, begun at an earlier period in his career. The range of his publications is broad and their quality impressive. For example, in 1927 he wrote expertly on a technical subject in the field of taxation.⁹ With Professor Thomas L. Schaffer he recently coauthored an arresting critique on obscenity¹⁰ with particular reference to *Jacobellis v. Ohio*.¹¹ In the area of his publications, however, I

5 *Ibid.*

6 *Id.* at 3.

7 Bulletin of Information, University of Notre Dame — The Law School, 1967-1968, p. 7.

8 One of the many evidences of this is the increase in scholarships that have been made available. Another is the increasingly widespread and more numerous applications for admission.

9 O'Meara, *Taxability of Life Insurance Proceeds*, 1 U. CING. L. REV. 467 (1927).

10 O'Meara & Schaffer, *Obscenity in the Supreme Court: A Note on Jacobellis v. Ohio*, 40 NOTRE DAME LAWYER 1 (1964).

11 378 U.S. 184 (1964).

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would like to emphasize above all the devotion of his scholarship, as a part of his very life and character, to the protection of individual rights. He displayed at a critical time single-minded courage in defense of fair play in resisting the erosion of these rights. He stood firmly against the spread of national fear on a tide of innuendo, happily now subsided. We read from his pen:

[W]hatever the provocation or seeming advantage, surrender of principle is the death of Justice and, without Justice, there is chaos or totalitarian dictatorship and, in either case, total disregard of the dignity and destiny of man. . . . [N]o man's rights are safe unless all men's rights are respected.

From earliest times the legal profession has resisted oppression and oppressors. It faces now a challenge as insistent as any in its proud history. One aspect of the challenge we confront today: how to assure due process of law for witnesses in legislative investigations without unduly hampering legislative functions.¹²

Again he wrote:

The simple truth is that you have to be for the Bill of Rights or not; you can't be for the Bill of Rights for yourself and your friends; it's all or nothing. A breach in the dyke imperils the whole countryside, not just the area adjacent to the break. There is only one protection against the flood and that is to contain it entirely. "He that would make his own liberty secure must guard even his enemy from oppression. . . ." For no man's rights are safe unless all men's rights are respected.¹³ (Footnote omitted.)

Even so incomplete a reference to his contributions to legal literature would be remiss without mention of his part in the progressive development at the Law School of the Natural Law Institute. Although the Institute antedates his deanship, its principal voice, the *Natural Law Forum*, was initiated during his tenure, with Professor John T. Noonan, Jr., of the Law School as its Editor-in-Chief. I believe this publication is not equalled anywhere in the quality of its scholarship or in the international range of its contributors. Aside from the Institute itself, the outlook of the Law School in other respects is concerned "with the nature of man and of society."¹⁴

This issue of the *Notre Dame Lawyer* is dedicated to Dean O'Meara with affection for him as a person and friend, with admiration for his vision of the lawyer's part in the life of the nation, and with gratitude for his effective devotion to the means of making things come true.

Charles Fahy

Judge, United States Court of Appeals for the District of Columbia

12 O'Meara, *Legislative Investigations: Safeguards for Witnesses: Foreword*, 29 NOTRE DAME LAWYER 157, 157-58 (1954).

13 O'Meara, *Freedom of Inquiry Versus Authority: Some Legal Aspects*, 31 NOTRE DAME LAWYER 3, 12 (1955).

14 The Law School believes that lawyers and law schools must face the great questions concerning the nature of man and of society, the origin and purpose of law and the lawyer's role in society. These questions are given searching examination throughout the curriculum, particularly in a course on the Lawyer's Professional Responsibility in the first year, a Natural Law course in the second year and a course on Jurisprudence in the third year. Bulletin, *supra* note 7, p. 7.

Dean Joseph O'Meara came to the University of Notre Dame Law School just before I began my tenure as President some fifteen years ago. I recall interviewing him while I was Executive Vice President. He said, "If I come, I will not be an easy person to get along with. I will demand the best at whatever cost"; and he did. Our only mandate to him was that we wanted a first-rate professional school, at whatever cost. This good intention was sorely tried when the enrollment was halved and the University subsidy for 120 students became \$120,000. However, we had made a deal and we honored it. He delivered what he promised, and despite the agony — financial and personal — we were happy to see the Law School grow and prosper in national recognition.

I know that all of this cost Dean O'Meara a great deal in time, talent, effort, and dedication. But I know it was all worthwhile, both for him and for Notre Dame — and especially for all the lawyers he produced.

How does one thank a Dean for giving his all? I don't know, but I suspect that the results of his Herculean efforts are the best reward. Like the winds of time, words come and go, but personal results live on in the lives of those they affect.

Let us say then that Notre Dame is mightily proud of Dean O'Meara, of his School and its graduates, and of the legal ideals that he portrays and represents in his person. Having said this, there is no higher praise and no more heartfelt gratitude.

*(Rev.) Theodore M. Hesburgh, C.S.C.
President, University of Notre Dame*