Lawyer Presents

Notre Dame Law School Editors

Follow this and additional works at: http://scholarship.law.nd.edu/ndlr

Part of the Law Commons

Recommended Citation
Available at: http://scholarship.law.nd.edu/ndlr/vol33/iss2/1

This Introduction is brought to you for free and open access by NDLScholarship. It has been accepted for inclusion in Notre Dame Law Review by an authorized administrator of NDLScholarship. For more information, please contact lawdr@nd.edu.
Although the newspapers and slick-paper weeklies have their go at the professional and personal life of each new appointee to the United States Supreme Court, there is reserved for special consideration in some other place a deeper, more penetrating examination. In fulfillment, the Lawyer presents Mr. Justice Whittaker, an article by Dean Marlin M. Volz. Since Mr. Justice Whittaker attended what is now the University of Kansas City School of Law, it is particularly fitting that this article should have been prepared by the Dean of that law school. After discussing in some detail the professional life and record of Mr. Justice Whittaker, Dean Volz ventures to state the judicial inclinations of this newest member of the Court and to describe the style of his future opinions.

The recent report of the Commission on Government Security solicits the reply given by Jan Z. Krasnowiecki in Confrontation by Witnesses in Government Employee Security Proceedings. The author finds an invitation to refute in the Commission’s silent assumptions that the Constitution requires no hearings in government employee security cases and that the right of confrontation is not assured by the due process clause of the fifth amendment. Without attempting to establish that a government employee has an unqualified right either to hearing or confrontation, the author seeks to discredit the supposition that there are no such rights. Together with other arguments, Mr. Krasnowiecki demonstrates that the right to a hearing is fundamental by showing that it was recognized as early as the first years of the seventeenth century.

Most lawyers look upon the congressional committee report as merely another extrinsic aid in ascertaining the legislative intent when the language employed in the statute is vague, ambiguous, and uncertain. Yet, Mr. Thomas F. Broden, Jr., Assistant Professor, Notre Dame Law School, takes the position in Congressional Committee Reports: Their Role and History that the most important function of the written report is to assist the lawmaker in enacting legislation; the role it plays in the judicial process is only incidental to this office. The author supports his thesis by tracing the development of the written committee report in the House and Senate from its infrequent appearance in the early Congresses to its widespread use in our own day.

That Harry H. Ognall is the author of Some Facets of Strict Tortious Liability in the United States and Their Implications gives his topic a curious twist indeed. Mr. Ognall, a citizen of the nation that produced Rylands v. Fletcher, takes a look at the progeny of that case as it has flourished in the United States. In doing so, he sees that strict tortious liability has been given circulation not only by express acknowledgment through decisional law and statutes, but also under the guise of other doctrines. He concludes that widespread insurance will be the inevitable reaction to the broadening application of strict liability.
The next issue of the *Lawyer* will present a student note having to do with relationships of Church and State. This note is the embodiment of an attempt to survey contemporary problems of Church and State. Readers familiar with the format of the usual student note will see that this note is extra-long—the breadth of the topic has determined the length of the article. And, while the usual note is the product of but one writer, albeit that of several editors, this note is the combined work of three writers.

The problem of classification—that is, of determining a structure for synthesizing subtopics—arose early in the writing process. The principal issues in Church and State relationships seem to arise in two contexts: first, the nature of the Church as a spiritual institution calls for treatment different from that given business, political or social institutions; secondly, the Church as a spiritual and the State as a political institution at times exercise concurrent jurisdiction over the same subject matter—that is, matters with religious and moral values such as obscenity in literature and adoptions. In the first context, that of the Church as an institution, the reader will find subtopics such as schools and taxation.

Despite their ancient origins, problems inhering in the Church-State relationship are hardly settled; on the contrary, many of the answers are now being shaped by the impact of cases. To stay close to developments, it is the intention of the editors that the matter of Church and State relationships shall be surveyed periodically by the *Lawyer*, perhaps each two or three years.

Past editors and staffers of the *Lawyer* may remember the constancy of the task of producing topics for lead articles and student notes. Since the student editors are removed from the day-to-day practice of law, issues of legal import sometime escape our attention. In recent weeks, some excellent suggestions have been submitted by former *Lawyer* men, and the editors are indeed grateful—research may develop that some of the topics are, for one reason or another, inappropriate for write-up, but even the salvage of a lone idea from a dozen submitted represents a worthwhile effort. However, the "Society for the Submission of Ideas to the *Lawyer*" is by no means a closed organization, and the *Lawyer* invites all of its subscribers to join.

 Readers may have noticed the change in size and style of type beginning with the December issue of the *Lawyer*. Previously, the lead articles were printed in twelve point type; the articles are now published in eleven point Roman which typesetting is used throughout the *Lawyer*. The change has been favorably received in the Law school and the editors hope that most, if not all, *Lawyer* readers find the change to their liking.

 Readers familiar with private international law may notice the error which appears in the introduction of the note appearing on page ninety-eight of Volume XXXIII (December 1957). The third line of the fourth paragraph should read: "The United States Supreme Court, in *Hilton v. Guyot*, gave no effect to a French judgment..."