

The Catholic Lawyer

Volume 11
Number 1 *Volume 11, Winter 1965, Number 1*

Article 2

Editorial Comment

Edward T. Fagan

Follow this and additional works at: <https://scholarship.law.stjohns.edu/tcl>

This Editorial Comment is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in The Catholic Lawyer by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

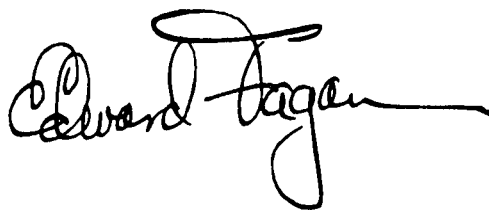
Editorial Comment

In the Autumn 1964 issue of *The Catholic Lawyer* Dr. Charles Rice of Fordham University Law School analyzed the posture of the law with respect to racial imbalance created by *de facto* segregation in education. According to Dr. Rice, corrective balancing achieved through compulsory methods engenders mutual resentment in place of cooperation and probably infringes upon the constitutional first principle of "color blindness." He consequently favored an abandonment of any school board policy of racial balancing attained by forced pupil re-assignment outside the neighborhood school and suggested instead an open enrollment policy. Reader response to his position was strong but divided. In general, however, the reaction was that final decision should be withheld until opposing viewpoints were examined.

As promised in the "Editorial Comment" which preceded the Rice article, this issue of *The Catholic Lawyer* presents the other side of the argument in two articles by Professor Bernard Gegan of St. John's University School of Law and Robert Drinan, S.J., Dean of Boston College School of Law. Father Drinan is also Chairman of the Massachusetts State Advisory Committee to the United States Commission on Civil Rights.

One of the conclusions drawn by this Committee in its January 1965 report to the Civil Rights Commission was that many of the goals of education, particularly those relating to character formation and the acquisition of ideals, are shaped by the physical, social and ethnic environment of the schoolroom as well as by formal instruction. The traditional neighborhood school policy clearly has an adverse effect upon the achievement of these goals.

Elsewhere in this issue the canon law position with respect to obscenity is featured in a paper by Maurice Amen, C.S.C., as a supplement to the symposium on "Obscenity and the Law" which appeared in the last issue. Originally appearing as part of a more extensive article in *The Jurist*, it was suggested for reprint by our canon law advisors to complete the material available for attorneys who may be presently preparing corrective legislation in this field.

A handwritten signature in black ink, reading "Edward Gegan". The signature is written in a cursive style with a large, prominent initial "E" and a long, sweeping underline.

EDITOR