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In this issue...

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In this issue . . .

This issue's first lead article examines the United States Emergency Detention Act. In recent months several nations have resorted to the peacetime use of statutory detention measures to contain and suppress the violent eruptions and disorders which often accompany internal crises. Threatened by the danger of racial uprising in 1960, the Republic of South Africa invoked its Public Safety Act to detain persons deemed to be dangerous to the state. This emergency use of governmental powers was considered unique. But when Canada recently utilized its War Measures Act to suspend civil liberties in order to deal with a crisis of terrorism, Americans responded by asking whether similar measures might be used by the United States Government. Recent employment of "emergency" powers by governmental authorities in Ireland and Spain further illustrates the problems discussed and analyzed in *Emergency Detention Acts: Peacetime Suspension of Civil Rights—with a Postscript on the Recent Canadian Crisis*, by John J. McGonagle, Jr.

What constitutes a charitable hospital for tax-exemption purposes? This question is the focal point of this issue's second article. In 1969 the Internal Revenue Service promulgated Revenue Ruling 69-545 in an attempt to clarify the criteria to be used for determining the tax-exemption of charitable hospitals. Although this ruling specified that the former requirements relating to caring for patients without charge or at rates below cost should not be a prerequisite to the tax-exemption of nonprofit hospitals, controversy over what constitutes a charitable hospital continues. In the *Charitable Hospital* Robert S. Bromberg examines the legal concept of the charitable hospital and carefully reviews the terms of this important Revenue Ruling.

In recent years the public has proceeded from indifference to hysteria about the nation's judicial system. The *Catholic University Law Review* is pleased to present a moving commentary, *The Mind Counts*, by the Honorable Roger J. Traynor. Emphasizing the need for logic and reasoning, rather than emotionalism and extremism, the former Chief Judge examines the irresponsible attack on the courts of the United States, which he feels represent the fairest system of justice the world has ever known. After warning that the country will do irreparable injury to itself if it continues to make a scapegoat of its courts, the author draws upon over thirty years of first-hand experience in setting forth his basis for confidence in the sturdiness of our judicial procedures.

Student material in this issue covers a variety of topics of current legal interest. The first comment sets forth an individual's right in the collective bargaining apparatus, describes the nature and scope of the doctrine of fair representation, and the remedies available in the event of a union's breach of its duty of fair representation. The second probes the conflicting policies of Section 5(a) of the Clayton Act, the increased use of consent decrees, and concludes by suggesting that private antitrust enforcement should be strengthened by a more active judicial role in consent decree settlement procedures. Topics presented in recent developments include: a critical review of the FCC's licenses renewal procedures, and the settlement of jurisdictional strikes involving a non-neutral employer. Oscar Altshuler's book review of *Make Mad the Guilty: The Insanity Defense in the District of Columbia* completes this issue of the *Catholic University Law Review*.