

2012

## Centennial Celebration - Duquesne University School of Law: 1911-2011

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### Recommended Citation

Samuel A. Alito Jr., *Centennial Celebration - Duquesne University School of Law: 1911-2011*, 50 Duq. L. Rev. 1 (2012).

Available at: <https://dsc.duq.edu/dlr/vol50/iss1/2>

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# Centennial Celebration—Duquesne University School of Law: 1911-2011

*Justice Samuel A. Alito, Jr.*

The year 1911 was marked by many notable events. It was a year of aviation firsts. Piloting a Wright Company airplane,<sup>1</sup> Pittsburgher Calbraith Perry Rodgers<sup>2</sup> made the first transcontinental flight,<sup>3</sup> from Sheepshead Bay, New York to Pasadena, California—in a mere forty-nine days.<sup>4</sup> The year also saw the first landing of a plane on a ship,<sup>5</sup> the first official delivery of air mail,<sup>6</sup> and the first experiments in aerial bombardment.<sup>7</sup>

It was a year of exploration. An American, Hiram Bingham, discovered Machu Picchu,<sup>8</sup> and a Norwegian, Roald Amundsen, became the first person to reach the South Pole.<sup>9</sup>

War raged in Libya.<sup>10</sup> A crowded field of candidates gathered to challenge the incumbent president, William Howard Taft.<sup>11</sup> And the country experienced periods of abnormally hot<sup>12</sup> and abnormally cold weather.<sup>13</sup>

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1. EILEEN F. LEBOW, *CAL RODGERS AND THE VIN FIZ: THE FIRST TRANSCONTINENTAL FLIGHT 81* (1989).

2. *Id.* at 14.

3. *Id.* at 4.

4. *Id.* at 176.

5. *Aero Lands on Ship*, WASH. POST, Jan. 19, 1911, at 1, available at ProQuest Historical Newspapers.

6. CAMILLE ALLAZ, *HISTORY OF AIR CARGO AND AIRMAIL FROM THE 18TH CENTURY* 26 (2004).

7. JOHN H. MORROW, JR., *THE GREAT WAR IN THE AIR: MILITARY AVIATION FROM 1909 TO 1921* 15-16 (1993).

8. *Yale Expedition Back From Peru: Its Members First White Men in 400 Years to Enter Pre-Inca, City of Machu Picchu*, N.Y. TIMES, Dec. 22, 1911, available at ProQuest Historical Newspapers.

9. ROLAND HUNTFORD, *THE LAST PLACE ON EARTH* 511 (1983).

10. WILLIAM H. BEEHLER, *THE HISTORY OF THE ITALIAN-TURKISH WARS, SEPTEMBER 29, 1911, TO OCTOBER 18, 1912*, at 19 (1913).

11. JAMES CHACE, *1912: WILSON, ROOSEVELT, TAFT & DEBS—THE ELECTION THAT CHANGED THE COUNTRY* 6 (2004).

12. *1911 Weather Noted for Long Hot Spell*, N.Y. TIMES, Jan. 1, 1912, at 2, available at ProQuest Historical Newspapers.

13. H.C. Frankenfield, *Weather, Forecasts, and Warnings for the Month*, *Monthly Weather Review*, Dec. 1911, at 1934, available at <http://docs.lib.noaa.gov/rescue/mwr/039/mwr-039-12-1934.pdf>.

On the Supreme Court, Justice John Marshall Harlan died after thirty-three years of service,<sup>14</sup> and two new justices ascended the bench, Willis Van Devanter of Wyoming<sup>15</sup> and Joseph Lamar of Georgia.<sup>16</sup> In its most famous decision of that year, the Court held that the Standard Oil Company had violated the Sherman Act by monopolizing the petroleum industry, and the Court sustained an order requiring the company's dissolution.<sup>17</sup>

1911 was a year when the country's large and growing immigrant population was much on the nation's mind. The Triangle Shirtwaist Company fire in New York City, which claimed the lives of 146 workers, most of them poor immigrant women, highlighted the conditions under which immigrants often worked.<sup>18</sup> The Dillingham Commission, a special joint congressional committee appointed to study recent immigration, concluded in its final report that the recent wave of immigration posed a danger to American society and recommended that further immigration be greatly reduced.<sup>19</sup>

The results of the 1910 census were released, and they showed that there were more than thirteen million aliens in the United States (about 15% of the population) and nearly nineteen million first-generation Americans (about 20% of the population).<sup>20</sup> In Pittsburgh, then the eighth largest city in the country,<sup>21</sup> immigrants and their children made up more than 62% of the population.<sup>22</sup>

14. 2 DAVID G. SAVAGE, *John Marshall Harlan*, in GUIDE TO THE U.S. SUPREME COURT 1109, 1109-10 (5th ed. 2010).

15. 2 DAVID G. SAVAGE, *Willis Van Devanter*, in GUIDE TO THE U.S. SUPREME COURT 1130, 1130-31 (5th ed. 2010).

16. See CLARINDA PENDLETON LAMAR, *THE LIFE OF JOSEPH RUCKER LAMAR* 166-77 (1926).

17. *Standard Oil Co. v. United States*, 221 U.S. 1, 30, 81-82 (1911).

18. Joshua Freeman, *The Nation: Remembering the Triangle Factory Fire*, NAT'L PUB. RADIO (Mar. 25, 2011), <http://www.npr.org/2011/03/25/134817324/the-nation-remembering-the-triangle-factory-fire>.

19. See John M. Lund, *Boundaries of Restriction: The Dillingham Commission*, 6 U. OF VT. HIST. REV., Dec. 1994, <http://www.uvm.edu/~hag/histreview/vol6/lund.html>.

20. Campbell Gibson & Kay Jung, *Historical Census Statistics on the Foreign-Born Population of the United States: 1850 to 2000*, at 50 tbl.13 (U.S. Census Bureau, Working Paper No. 81, 2006), available at <http://www.census.gov/population/www/documentation/twps0081/twps0081.html>.

21. Campbell Gibson, *Population of the 100 Largest Cities and Other Urban Places in the United States: 1790-1990*, at tbl.14 (U.S. Census Bureau, Working Paper No. 27, 1998), available at <http://www.census.gov/population/www/documentation/twps0027/tab14.txt>.

22. Nora Faires, *Immigrants and Industry: Peopling the "Iron City"*, in CITY AT THE POINT: ESSAYS ON THE SOCIAL HISTORY OF PITTSBURGH 3, 10 (Samuel P. Hays ed., 1991).

By 1911, Pittsburgh Catholic College was nearing its silver anniversary. The college had been founded in 1878 by Reverend Joseph Strub of the Congregation of the Holy Spirit,<sup>23</sup> to provide the children of Pittsburgh's poor Catholic immigrants with an opportunity for higher education and, hence, upward mobility.<sup>24</sup> In 1911, Pittsburgh Catholic College became Duquesne University of the Holy Ghost, and its charter was amended to permit it to confer degrees in law, medicine, dentistry, and pharmacy.<sup>25</sup> The university established its first professional program, the law school, later that year.<sup>26</sup> Consistent with the university's Spiritan mission, the law school was established as a night school, making it possible for middle-class workers to obtain a legal education while continuing to work full time.<sup>27</sup> The law school's inaugural class of twelve students—all working men—included the descendants of German, Irish, and English immigrants.<sup>28</sup> Every member of the inaugural class graduated and passed the bar exam.<sup>29</sup>

Since its founding 100 years ago, Duquesne University School of Law has seen many milestones. In 1924, Anna Louise Schultz became the first woman to graduate, and the following year, Theon B. Hamilton became the first African American to receive a Duquesne law degree.<sup>30</sup> In 1958, the school added a day division.<sup>31</sup>

The *Duquesne Law Review* was organized in 1962 and published its first volume the following year.<sup>32</sup> That volume was dedicated to Professor William H. Lacey, who had joined the law school's faculty at its founding and continued to teach Duquesne students for the next fifty-one years.<sup>33</sup>

From its beginning a century ago as a small school with a night program, Duquesne University School of Law has grown into an institution whose graduates have risen to positions of leadership

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23. JOSEPH F. RISHEL, *THE SPIRIT THAT GIVES LIFE: A HISTORY OF DUQUESNE UNIVERSITY, 1878-1996*, at 1-3 (1997).

24. *See id.* at 5.

25. *Id.* at 13-15.

26. *Id.* at 16.

27. *Id.*; see also Emily Goossen, *Duquesne School of Law: Celebrating a Century of Achievement and Excellence*, 9 DUQ. U. MAG. 2, 10, (2011), available at [http://www.duq.edu/public-affairs/magazine/\\_pdf/2011-Winter-DU-Magazine.pdf](http://www.duq.edu/public-affairs/magazine/_pdf/2011-Winter-DU-Magazine.pdf).

28. Rishel, *supra* note 23, at 16.

29. Rishel, *supra* note 23, at 16.

30. *Celebrating 100 Years 1911-2011—Duquesne University School of Law*, DUQUESNE UNIV. SCH. OF LAW, <http://www.duq.edu/law/centennial/history/> (last visited Oct. 3, 2011).

31. *Id.*

32. Joel Fishman, *Four Decades of the Duquesne Law Review Volumes 1-40 (1963-2002): A History*, 42 DUQ. L. REV. 775, 775 (2004).

33. *Id.* at 777.

in the bench, bar, and legal academy. Two of my former colleagues on the United States Court of Appeals for the Third Circuit, Carol Los Mansmann and Timothy K. Lewis, were proud Duquesne graduates.

Carol, who died at a tragically young age, was a member of the Duquesne class of 1967 and later taught at the law school.<sup>34</sup> In 1982, she became the first woman to serve on the United States District Court for the Western District of Pennsylvania, and in 1985, she was appointed to the Third Circuit.<sup>35</sup> The fine quality of her legal work testified to the excellence of her law school education, and her remarkable personal qualities, particularly her concern for the disadvantaged and her eagerness to help others, seemed to me an unmistakable reflection of Spiritan teaching.

Tim and I were the two youngest judges on the Third Circuit when Tim was appointed in 1992 at the age of 38. It was always a pleasure to sit with Tim, whose opinions on the Third Circuit were cited more frequently by judges around the country than were those of any other judge on our court.<sup>36</sup> Tim is now a leading member of the bar.

Carol and Tim shaped my impressions of Duquesne University School of Law, and in later years I have had the opportunity to see the excellent work of many other Duquesne graduates, including judges like Donetta W. Ambrose, formerly the Chief Judge of the United States District Court for the Western District of Pennsylvania, and Joy Flowers Conti, who is also currently serving on that court. And of course, many outstanding Duquesne graduates appeared before me during my time on the Third Circuit.

Duquesne University School of Law has come a long way since its modest beginning in 1911. May the next century see the law school continue to grow and to serve our country in the best tradition of its founders and the men and women who have guided its development for the past 100 years.

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34. Marylynne Pitz, *Obituary: Carol Los Mansmann / Respected Judge with Long List of Career Firsts*, PITT. POST-GAZETTE, Mar. 11, 2002, <http://www.post-gazette.com/obituaries/20020311mansmann0311p3.asp>.

35. *Id.*

36. Mitu Gulati & C.M.A. McCauliff, *On Not Making Law*, 61 LAW & CONTEMP. PROBS. 157, 199 (1998).