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# Harvard Law Record

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## Faculty to Revamp Curriculum

Professor A. James Casner is chairman of the new Committee on Legal Education appointed by Nathan M. Pusey, President.

The purpose of the committee is to study the entire curriculum and to review the method of education in the Law School.

Other members of the committee are Professors Kingman Brewster, Jr., Archibald Cox, Henry M. Hart, Jr., David R. Herwitz, Benjamin Kaplan, and Albert M. Sacks.

During the present term the committee is meeting each week. According to Professor Casner it will concentrate on the collection of information during the spring term. It will formulate its recommendations during



A. James Casner

the 1959-60 academic year and these proposals will be debated by the faculty during the 1960-61 year. The recommendations that are adopted by the faculty will be put into effect in the fall of 1961, insofar as possible.

Acting Dean Livingston Hall said, "Our experience over the past twenty-five years has shown that it is wise to reconsider the curriculum every ten years or so."

The report of the Committee on Curriculum appointed in 1934 led to a pretty complete revision of the entire curriculum beginning in the fall of 1937.

In August, 1945, a new Committee on Legal Education with Professor Lon L. Fuller as chairman was appointed by President James B. Conant. Its members included Professors Ralph J. Baker, David F. Cavers, Paul A.

Freund, Erwin N. Griswold, and Milton Katz. Less than two years later, on March 1, 1947, this committee issued its preliminary statement, and the essential elements of the curriculum as it now exists were approved by the Faculty in December 1948. It was not until January, 1950, however, that the third year program, as perfected by a special committee, under Professor Henry M. Hart, Jr., was finally approved.

The reports of these earlier committees not only resulted in changes in the Harvard legal education but produced changes throughout the country. Other schools found many of the Harvard innovations suitable to their needs. The committee reports also influenced the character of course materials produced by Harvard faculty members, which also affected legal education throughout the country.

## Wechsler to Deliver Holmes Lecture On Constitutional Interpretation

Herbert Wechsler, Professor of Law at Columbia University, will deliver the annual Oliver Wendell Holmes Lecture on April 7, 1959. Professor Wechsler, who was a visiting professor at Harvard in the 1956-1957 academic year, will address the school on the subject: "Towards Neutral Principles of Constitutional Law."

The selection of Professor Wechsler to deliver the lecture was recommended by a committee under the chairmanship of Arthur E. Sutherland, Bussey Professor of Law. The lectures were made possible by a bequest of Mr. Justice Holmes.

Professor Wechsler, a native of New York, received his B. A. from City College of New York and was editor of the Law Review at Columbia. Upon graduation in 1931 he served as instructor at Columbia Law School, served his clerkship for a year in accordance with the former New York custom and went to Washington the next year to clerk for Chief Justice Harlan F. Stone. He returned to Columbia in 1933, and was admitted to the New York bar.

In collaboration with Professor Henry M. Hart, Jr. he has produced a text on *The Fed-*

eral Courts and the Federal System. He also collaborated with the late Jerome Michael on *Criminal Law and Its Administration*.

He was Assistant Attorney General of New York (1938-40), executive secretary of the United States Board of Legal Examiners (1941-42), special assistant to the United States Attorney General in the War Division of the Department of Justice (1944-46). In 1945, Professor Wechsler was technical advisor to the American members of the International Military Tribunal. He has served as a member of the Advisory Committee on Criminal Procedure of the United States Supreme Court. He has also been Chief Reporter for the American Law Institute's *Model Penal Code*.

## Judge Calvert Magruder to Retire From Circuit Bench and Faculty

Another white head will be missing from Langdell Hall when classes begin in the fall of 1959.

Calvert Magruder, LL.B. '16, Lecturer on Law, will make a dual retirement from the faculty of the Law School and from his position as Chief Judge on the bench of the United States Court of Appeals of the First Circuit.

Judge Magruder will join the faculty of the Hastings College of Law of the University of California in San Francisco next summer.

His retirement comes after nearly 20 years in his chair on the First Circuit and 32 years in various capacities at the Law School.

Mr. Magruder graduated from St. John's College in Annapolis, Md., in 1913, and from Harvard Law School in 1916. He joined the faculty of the Law School in 1920 as an Assistant Professor and became a Professor of Law in 1925.

He taught in this capacity until 1939. In 1930 he assumed the added responsibility of Vice Dean and served as such until his appointment to the First Circuit bench in 1939.

During the war Dean Magruder served as a judge of the U. S. Emergency Court of Appeals.

In 1946 Professor Magruder returned to the Law School as a peripatetic Lecturer on Law and in recent years has brought his experience on the bench to first year students through the medium of his course in Torts.

In December Judge Magruder undertook the first annual reading of selections from Dickens' *Christmas Carol* under the auspices of the Law School Coffee Hour.

Prof. Magruder is a co-author of Crane and Magruder, *Cases on Partnerships* and is



Calvert Magruder

the author of numerous articles in legal periodicals. His first article appeared in the *Harvard Law Review* in 1922.

Judge Magruder's place on the First Circuit bench has been given to Judge Bailey Aldrich, LL.B. '32, of the United States District Court of Massachusetts.

Judge Aldrich was recommended for the Circuit post by Senator Leverett Saltonstall, LL.B. '17, (R) of Massachusetts.

Formal nomination of Judge Aldrich will come from the office of the President. Confirmation by the Senate is also necessary, but nomination and confirmation usually follow a senator's recommendation as a matter of course.

Senator Saltonstall indicated that he had made a preliminary suggestion that Judge Charles E. Wyzanski, Jr., LL.B. '30, of the United States District Court for Massachusetts be considered for the position.

In a letter of refusal, released to the press by Senator Saltonstall, Judge Wyzanski said in part:

"The District Court for the District of Massachusetts seems to me to offer at least as wide a field for judicial service as the Court of Appeals of the First Circuit. The District Court gives more scope to a judge's initiative and discretion. . . .

"While it may well be true that the highest office for a judge is to sit in judgment on other judges' errors, it is perhaps a more challenging task to seek, from minute to minute, to avoid one's own errors. And the zest of that task is enhanced by the necessity of reacting orally, instead of after the reflec-

tion permitted under the appellate judge's uninterrupted schedule of reading and writing.

"I realize that the trial judge lacks the opportunity to benefit from the collegiate discussion open to an appellate judge. His ties with his brethren are less intimate. Consequently, he runs the perils of excessive individualism. . . .

"Yet perhaps the trial judges' relative loneliness brings him closer to the tragic plight of man. . . .

"I believe that a poet or a philosopher would understand, and that is the basis for my confidence that you too will understand, why, gratified as I am by your inquiry, I prefer not to be considered for the Court of Appeals. . . ."

Acting Dean Livingston Hall has indicated that the full text of Judge Wyzanski's letter is to be reprinted in the next issue of the Harvard Law School Bulletin.

— Mulroney

## Livingston Hall Acting Dean; Administrative Positions Shift

The Law School, under the new administration headed by Acting Dean Livingston Hall, is entering its second month of operations, "running as usual, much the same."

Vice Dean Louis A. Toepfer, former Secretary of the Law School, continues as head of admissions. He has now assumed, in addition, responsibility for student affairs, health and discipline at the Law School. In conjunction with Assistant Dean Wesley E. Bevins and William J. Dennis, he is in charge of the operation of Harkness Commons.

The new Secretary of the Law School, Russel H. Peck, has left his position as Director of Placement. His new duties include the supervision of records and formal correspondence, examinations, publicity, and scheduling of classes.

Eleanor Appel, formerly assistant to Mr. Peck at the Placement Office, is the new Director of Placement. The Office is now being run under the general supervision of Assistant Dean William L. Bruce.

The appointments of Mr. Toepfer as Vice Dean and Mr. Peck as Secretary are permanent. When Dean Griswold returns from Australia in June to resume active direction of the Law School, Acting Dean Livingston Hall will return to full-time teaching, relinquishing his former position as Vice Dean. Mr. Hall has expressed a desire to spend more time teaching, conducting research, and writing.

— Binder

## Law Record Elects New Officers; Posts Created in Reorganization

New President of the RECORD is Robert E. Manley, 2L of Cincinnati. A graduate of Xavier University in Cincinnati, he holds an M. A. in economics from the University of Cincinnati. He was editor of his college paper and served as a reporter on the *Cincinnati Times Star* before entering the Law School.

Ellis A. Horwitz, 2L of Philadelphia, has been elected Editorial Manager. He is a graduate of the University of Pennsylvania.

William F. Cottrell, 3L of Chicago, has returned to his post of Business Manager. A graduate of Northwestern University, he had formerly served as Department Editor and Editorial Manager.

David F. Binder, 3L of Beaver Falls, Pa., remains on the Board as Executive Editor. A graduate of Geneva College, he is the only man in the history of the RECORD to serve as President for two terms.

Michael Mulroney, 3L of Elkader, Iowa, a 1954 graduate of the State University of Iowa, returns to his post of Senior Editor.

Morton Rosenberg, 2L of Brooklyn, has been elected to the post of Production Manager. He is a 1957 graduate of New York University.

Roy F. Barnitt, Jr., 2L of Jersey City, is the Copy Editor. A graduate of St. Peter's College, he studied in Paris as a Fulbright Scholar before entering Law School.

Frederick J. Wethly, 3L of Jersey City, returns to his post of Advertising Manager. He is a 1954 graduate of St. Peter's College.

Richard C. Hotvedt, 2L of Wauwatosa, Wis., is the new Personnel Manager. He is a 1957 graduate from Marquette University.

Six new department editors have been chosen by the Board. John J. Moss, 3L of New York City, a graduate of Columbia University, will be in charge of news and features that deal with international law and the Law School's new International Legal Studies Program. Richard L. Bacon, 2L of Dover, N. J., a graduate of Dartmouth, will edit current cases. Benjamin M. Gottlieb, 1L of Fall River, former photographic editor of the *Yale Daily News*, will be in charge of the photographic department. Paul C. Murstein, 2L of Jamaica, N. Y., a graduate of University of Pennsylvania, will edit the new Calendar column. Thomas A. Skornia, 1L of Chicago, a graduate of Grinnell College will be in charge of features about the Law

School. Stephen R. Volk, 2L of Brookline, Mass., former editorial writer for *The Dartmouth*, has been assigned to special features.

Persons who have recently become members of the Record Corporation are Charles H. Baron, 1L of Philadelphia; Leslie Barth, 2L of Brooklyn; Daniel E. Gold, 2L of Portland, Oregon; Herbert H. Kaiser, Jr., 2L of Monticello, Ill.; David N. Levinson, 2L of Middletown, Del.; and Daniel Tapia, a graduate student from Nicaragua.

## Five Assistant Professors Named; To Assume Duties in Fall

Five men have been appointed Assistant Professors in the Harvard Law School. Acting Dean Livingston Hall announces the appointment, effective July 1, of:

Paul M. Bator, associated with the New York City law firm of Debevoise, Plimpton and McLean.

Oliver S. Oldman, now a Lecturer in the Harvard Law School.

Frank E. A. Sander, associated with the Boston law firm of Hill, Barlow, Goodale and Adams.

Stephen M. Schwebel, associated with the New York City law firm of White and Case.

Detlev F. Vagts, associated with the New York law firm of Cahill, Gordon, Reindel and Ohl.

A native of Budapest, Hungary, Bator received the A. B. from Princeton in 1951 and the A. M. (1953) and the LL.B. summa cum laude (1956) from Harvard. He was law clerk for Supreme Court Justice John M. Harlan in 1956-57.

Oldman, born in New York City, received the S. B. (1942) and the LL.B. cum laude (1953) from Harvard. He practised law in Buffalo before joining the Harvard Law School staff in 1955 as Research Associate. He has been Lecturer since 1957.

Sander has served as law clerk to Supreme Court Justice Felix Frankfurter, and to Calvert Magruder Lecturer on Law and Presiding Judge of the U. S. Court of Appeals for the First Circuit. Born in Stuttgart, Germany, he received the A. B. (1949) and the LL.B. magna cum laude (1952) from Harvard.

Schwebel, a native of New York City, received the A. B. degree magna cum laude from Harvard in 1950 and holds the LL.B. degrees from Trinity College, Cambridge, England (1951) and Yale (1954). In 1953-54 he assisted Trygve Lie when the latter

was writing his memoirs. He has been with the firm of White and Case since 1954. In the fall of 1957, he was a visiting lecturer at Cambridge University.

Vagts, a native of Washington, D. C., received the A. B. (1948) and the LL.B. magna cum laude (1951) from Harvard. Since 1951, he has practised law in New York City.

## Hall Salutation



*The following is the text of a document presented to Livingston Hall, Acting Dean, former Vice Dean, and Professor of Law, at the last faculty meeting before Christmas. The original is engrossed after the manner of an academic degree and now hangs in a place of honor in one of Dean Hall's offices. — Ed.*

### LAW SCHOOL OF HARVARD UNIVERSITY

To all to whom these Presents may come,  
Greeting:

#### WHEREAS

**Livingston Hall,**  
Professor of Law,  
has rendered services as

Vice-Dean of Harvard Law School for Twenty Years, 1938-1958, above and beyond the call of duty,

NOW THEREFORE I, Erwin Nathaniel Griswold, Dean of said Law School, by authorization of the Faculty thereof, do hereby simultaneously confer upon said Livingston Hall, with all the rights and privileges thereunto appertaining, the following decorations:

By nomination of me, the said Dean, The Administrative Order of the Boy at the

Dyke (with the special permission of H. M. The Queen of The Netherlands);

By nomination of the said Faculty, The Cross of the Assumption of the White Man's Burden;

By nomination of the Students of the said Law School, The Multiple Order of the Repentant Sinner, The Irate Constable, The Skinflint Landlord, The Jilted Suitor, The Weeping Mother, and The Indignant Father.

And I do further ordain that there shall be henceforth incorporated into the Cultural Heritage of said Law School the following  
*apologia pro designatione sua:*

We really do not think it nice  
To designate a dean as Vice,  
For vice is rarely, if at all,  
Associated with Dean Hall.

Done at Cambridge in the Commonwealth of Massachusetts this thirty-first day of December in the year of Our Lord the One Thousand, Nine Hundred and Fifty-Eighth and of this Law School the One Hundred and Forty-First.

Erwin Nathaniel Griswold, Dean

## Senate's Prestige and Power Cited by Minnesota's McCarthy

Senator Eugene McCarthy of Minnesota, addressed the Harvard Law and Graduate Democratic Club on Saturday, January 31st. The Senator discussed the changing functions and relations of the United States Senate and House of Representatives. By the analysis, he attempted to establish the reasons for the ascendancy of the Senate in our political hierarchy.

Senator McCarthy is well qualified to conduct historical investigations. An honor graduate of St. John's College, and holder of an M.A. in Economics from the University of Minnesota, he was, before his election to the U. S. House of Representatives, a Professor of Sociology at St. Thomas College in St. Paul, Minnesota.

McCarthy noted that in the last 100 years the Senate has gained prestige and power. The metamorphosis of political importance can be traced from the Civil War, when the Secession debates took place in the Senate. Later our country grew into a world power and the Senate's confirmatory and treaty powers aided its growth. The preceding factors combined with the Senate's small committees, easier accessibility for newsmen, and more meaningful and orderly debates have combined to make the Senate what it is today.

In evaluating the present relation of the House of Representatives and the Senate,

McCarthy observed that our government might profit by better differentiation of responsibility and clearer lines of demarcation to set-up legislative obligations. In hypothesizing where these lines might be drawn, Senator McCarthy observed that political theorists have often advocated the possibility of a cabinet form of government, with the House retaining its traditional powers in the tax, revenue, and appropriations fields and the Senate more profitably engaging in an educational function. This educational activity would be manifested by more careful attention to executive appointment, and a watchdog attitude towards our foreign affairs. To allow the Senate to become more of a national forum there would have to be some modifications of our traditional government framework. McCarthy thinks even constitutional amendment should not be discounted to lift the Senate into a position of more than limited influence on our foreign policy.

During the question session following his talk, McCarthy responded to queries ranging from foreign policy to the 1960 elections. He speculated that Senator Hubert Humphrey will be Minnesota's favorite son candidate at the Democratic convention and that Senator Humphrey's chances as a candidate are improving. He noted too that Governor Rockefeller would probably not be a propitious GOP candidate in the mid-west, but that he could well be an improvement on Mr. Nixon in that aspect of a candidacy.

McCarthy does not think that the Democrats need make any special effort to keep the South in the Democratic party for purposes of national elections. But more important than the Presidential elections is how much it would mean to Democratic congressional strength to lose the South.

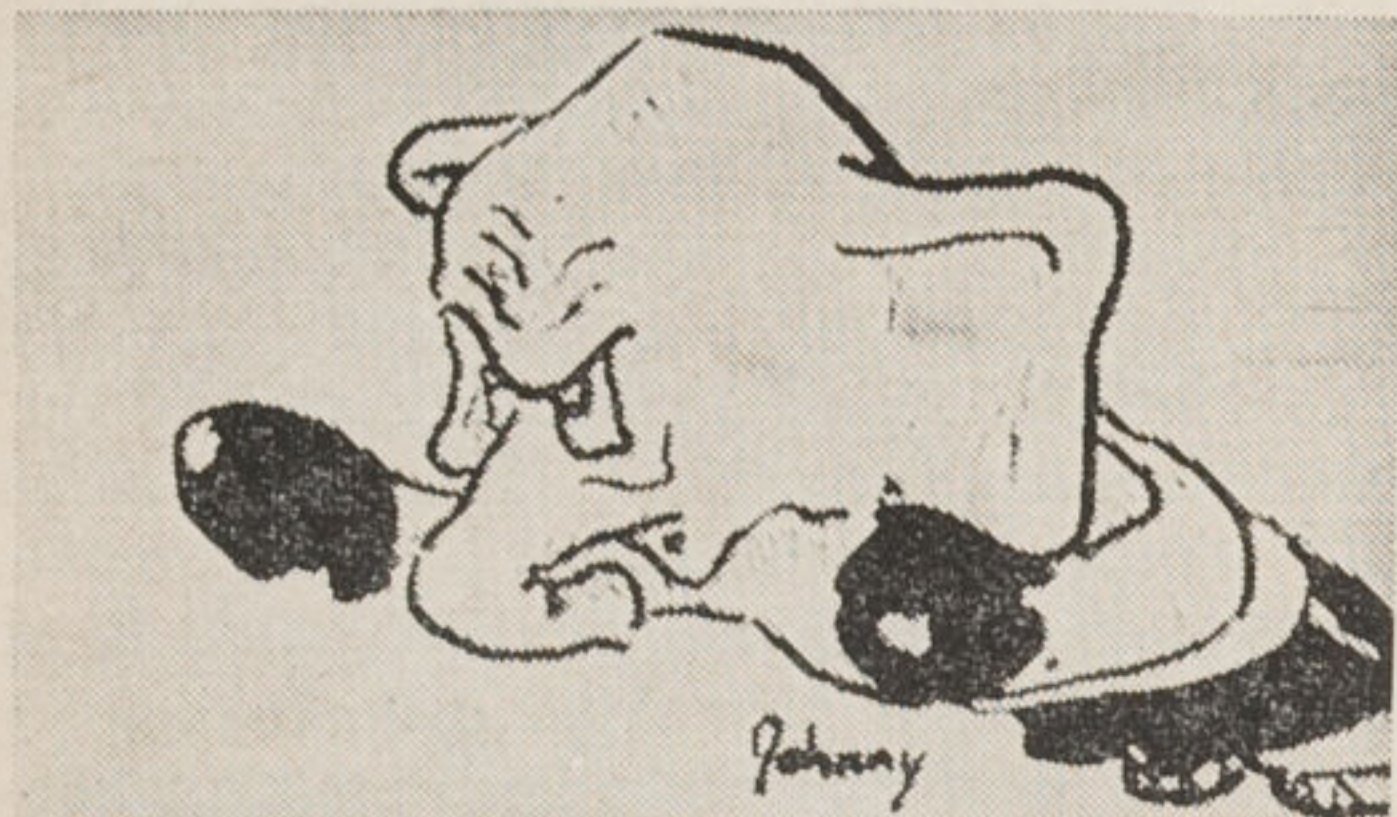
— Gold

## GOP Club Names President

William C. Ives, 2L of Aledo, Ill., was unanimously elected president of the Law School Republican Club at the club's annual election meeting Friday, January 9. J. Robert Barr, 2L of Winnetka, Ill., was elected vice-president.

Sen. Fred Lamson of Malden, minority leader of the Massachusetts State Senate, was guest speaker. The senator addressed his remarks to the financial condition of the Commonwealth and the role of GOP minority in the state legislature. He urged the club to supply a group of interested students to help the Republican legislators with problems of research and legislative drafting.

Senator Lamson presented the club with its charter from the Republican State Central Committee. The charter gives the club the legal right to use the name "Republican" in its name.



Other officers elected at the meeting were: Herbert H. Kaiser, Jr., 2L of Monticello, Ill., secretary; Alexander M. S. McColl, 2L of Kalamazoo, Mich., treasurer. Elected as members-at-large of the executive committee were: Thomas R. Coolidge, 2L of Washington, D. C.; Jerry B. Fulmer, 1L of Franklin, Pa.; and William C. Hays, 2L of Waltham, Mass.

## Admissions

Admissions applications are setting a new record at the Law School. According to a recent tally, 611 have applied. This compares with an average of about 500 at this time in past years. Last year 555 had applied by the end of January and the prior record was 592 in 1956. In 1957, 481 applied and in 1955 the number was 423.

But withdrawals from the first year have also been greater than average this year. Although the record of 26 by the end of January which was set last year has not been met

by the class of 1961 which has lost 18 members. Louis A. Toepfer, Vice Dean, said that the records of those who withdrew last year show that a high number of the first-year men who left were students who had specialized in English and literature.

## Forum Elects

The new president of the Harvard Law School Forum is Robert A. Seidenberg, 3L of New York City.

Other officers are John S. Samuels, III, 2L of Galveston, Texas, vice president on planning; Alex Seith, 2L of Aurora, Ill., vice president on administration; Jerome W. Breslow, 3L of Bloomfield, N. J., secretary; and Peter A. Donahoe, 2L of College Place, Wash., treasurer.

## Charities Drive

A total of \$1697.19 has been collected thus far in the Harvard Law School Combined Charities Drive for 1959. It was conducted through the facilities of the Dormitory Council and the Law School Committee of Phillips Brooks House.

The largest single contribution was \$600, followed by individual gifts of \$150 and \$100. The other 200 student contributors gave an average of \$4.24.

The funds are being distributed to charities designated by the contributors. Undesignated funds are divided among the list of charities.

The Committee, under Vincent R. Larson, 2L of Minot, N. Dak., extended its appreciation to contributors and to those who actively participated in the collection of money.

## CALENDAR

Notices for publication in the Calendar should be in the RECORD offices not later than noon the Friday before the date of publication.

### Thursday

Dr. Martin Domke, Adjunct Associate Professor of Law at New York University, International Vice-Chairman, and Editor-in-Chief, The Arbitration Journal, will open the International Law Club's Spring Lecture series with the topic, "State Trading: A Problem of Our Time," in the Roscoe Pound Room at 8 p.m.

Zoltan Mihaly, 2L, will speak to the Society of Harvard Dames on life in Hungary at Harkness Commons, 8 p.m.

### Friday

"Twelve Angry Men" the United Artists Production, starring Henry Fonda, will be shown for members of the Student Bar Association and their guests, on Friday evening February 6th, in the Ames Courtroom, at 8 p.m. Professor W. Barton Leach will deliver some prefatory remarks on cinematic technique.

### Monday

"Ballets Africains" will be pre-

sented at the Colonial Theatre for one week beginning Feb. 9.

### Tuesday

Mr. Ralph Barry of Merrill Lynch, Pierce, Fenner, and Smith will speak to the Bull and Bear Club on "Opportunities for Canadian Investment" in the Mallory Smith Room at 1:40 p.m.

### Future Events

New Jersey Supreme Court Justice Nathan Jacobs, LL.B. '28, member of the University Visiting Committee to the Law School will be guest of honor at a cocktail party for residents of New Jersey on Saturday, March 7.

# FEATURES SECTION

## *Cuban Law Students*

The whips and the rifles have been turned against Batista's experts in their use. It seems strange to an occupant of the Harvard Law School cloister that this long fight against an oppressive government was conducted, not by professional revolutionaries, but to a large extent by politically active students. Fidel Castro's uprooting of an abusive government is an accomplished fact; nevertheless, the students and other citizens who struggled with him during the long fight cannot claim victory. Their claims to that honor have been partially put beyond their reach by the adverse reaction in other countries to the trials in which government henchmen have been sentenced with great haste. Unfortunately, the task of destruction was much less difficult than the duty of the new

government to restore political order. Do the students and the other groups which have worked long for a free government have the necessary ability to restore peace, order, and justice to their country now that they have brought about an absence of Batista?

In the Law School we often talk about justice and due process, but in Cuba our contemporaries are faced with the real and frightening problem of the administration of justice under a post civil war disruption such as the United States has not seen since the Reconstruction.

The apparent haste and the adverse publicity that surround the trials of members of the ousted regime make reports such as Mr. Porter writes for the RECORD hard to accept. At the same time, we have to admit our ignorance of the state of emergency which currently prevails in Cuba and of the great crimes which Batista did not let the press report. But instead of expressing the views of Monday morning quarterbacks in regard to a game that none of us saw, we ought to be asking what can be done to help our very close neighbors in their great task.

The fact that students have been closely associated with developments in Cuba suggests that even law students in the United States can play a role in the development of a post revolutionary process for the administration of justice. For example, law students in United States law schools, perhaps through the American Law Student Association, could extend invitations to Cuban law students to come to this country and visit our schools to conduct student seminars in which the basic question of what are the elements of a fair trial could be discussed. These seminars probably would consider whether a fair trial includes an indictment, includes counsel, includes an opportunity to be heard, includes a period for preparation.

Perhaps the student seminars could open their discussions with consideration of a statement of the requirements of due process such as Dean Roscoe Pound made in an address to the Brooklyn Bar Association in November, 1957:

An independent, unbiased and courageous tribunal; full notice in advance to all interested parties of the nature of the controversy to be determined and the claim or claims to

## *The New Record*

This is the first issue of the new RECORD. Its format is new and different. Several reasons moved your editors to choose the Record's new format.

The new RECORD is designed to be more readable. At the same time, it offers an opportunity for departmentalization of the Law School weekly. As always, Law School news comes first. After that there are student and guest written features. In addition a new calendar column is being added to help students know what is going to happen each day between issues of the RECORD.

These innovations are all backed by months of planning and careful study. They have required a reorganization of our production process and an expansion of the editorial staff.

Year after year, the RECORD has been improved gradually, but steadily. It is America's oldest law school newspaper. Since the RECORD was founded, Columbia, Virginia and nearly 60 other sister schools have started similar publications. Through the years the RECORD has constantly tried to be the best law school paper.

The new format represents the continuation of the RECORD's practice of self appraisal and self improvement. This is a practice that past staff members have applied consistently. It is one which present and future members of the Harvard Law School Record Corporation must continue if the RECORD is to remain the best law school news publication in America.

be urged or charges to be preferred by the parties; a procedure affording full and free opportunity for each party to present evidence in support of his or its case to the tribunal, to cross-examine witnesses, and to argue both the credibility, weight and relevance of the evidence, as to each item and as a whole, and the legal propositions applicable thereto; and a judgment according to law, not the will of the tribunal, and not directed directly or indirectly from without.

In addition to the question of the requirements for a fair trial, these seminars should look into the history of the administration of justice during similar post civil war periods. For example, what was done in the South after our Civil War? What has happened after prior upheavals in Latin America? In order to answer these questions it will be necessary to call on the faculties of our law schools.

Some United States law students ought to be willing to visit Cuba to extend the invitation to visit our schools. It might also be possible to hold some of the seminars in Cuba where the participants will have the advantage of being on the spot where it will be easier to ascertain what kind of evidence was used to establish convictions. This is an aspect of the trials which is best studied on the spot; however, student groups in this country should call upon their alumni to develop an intelligent discussion of the standards of evidence that apply under the conditions that prevail in Cuba. Are the standards of evidence the same as in ordinary times? Are they less strict? Are they more strict?

Under the assumption that this idea were to catch hold, what possible good could come from these seminars?

There is the unavoidable fact that the new government needs world approval and that this approval will not be forthcoming as long as public opinion continues to be antagonistic as a result of press reports of the famous trials. An exchange of information and of ideas in seminars such as these could not but help create some degree of common understanding among the people of Cuba and of the United States with regard to the problem of the administration of justice in Cuba. This understanding, in itself, would be of considerable importance in its influence upon the world acceptability of the new government.

Not only is it of interest to the United States that a stable government replace the demised Batista government, but even closer to home the revolution forces us to make

difficult decisions with regard to extradition of the Batista henchmen who have fled to our country. It is not likely that the United States is going to extradite fugitives from the Cuban government unless there is some basis for agreement as to the standards for a fair trial. Perhaps these student seminars may lay some basis of mutual understanding out of which the diplomats may be able to formalize terms under which extradition will be possible. If we refuse or delay over a long period of time, this will be looked upon in Latin America as one more diplomatic insult from the bully of the North. The seriousness of this reaction may make the famous Nixon trip look mild in comparison.

Assume a basis for agreement on the requirements of a fair trial can be found through these seminars. Then if the Cuban government were to guarantee a trial patterned after these standards, we ought to extradite the henchmen who managed to escape the sanctions of their criminal abuses of public trust in the Batista service.

It may be objected that even if the seminars were to be held, there would be no basis for agreement, because students in the United States cannot agree to the expedencies used in Cuba without compromising their principles, no matter how long they discuss the practicalities of the problem which face Cuba. On the other hand, it may be thought Cuban students could never admit that their procedures could have been better, lest they weaken their dedication to the ideals of their revolution. This objection denies the validity of the premise upon which the common law adversary system is based. Even if the objection is correct, and students are unable to agree, it certainly would change many attitudes and assumptions that are being made in both countries to find out why agreement is not possible — to actually witness personal identification with a cause.

Readers in the United States may think it strange to propose that students attack a problem statesmen have been unable to solve. But what better way is there for ideas to pass between countries than by the exchange of ideas among students? For the new government to effectively restore order, it needs international acceptance which will not be forthcoming as long as popular opinion associates it with "blood baths." Perhaps this hasty label can be removed if the citizens of both countries arrive at a common understanding as to the conduct of fair trials. Who, besides the law students of the two countries, is qualified to develop this understanding?

Who else devotes his full time to the study of law and of justice? Who else is free from family responsibilities? Who else is at the stage of his training where the question of a fair trial is an important one to ask? Who else is not so bogged in habit that he is not reluctant to ask an old question and will not reject an idea because it is new? What other groups in the two countries have so much in common?

— Manley

## Yale Attempt

*Monocle*, a paper-back publication edited by law and graduate students at Yale University, seems to be dedicated to an intelligent spoofing of our American Heritage (whatever that might be). I doubt if it will win a citation for exemplary literary achievement.

The best of the froth that is *Monocle*, Volume 2 Number 2, is a lively short-short story entitled "Win With Wasserstoff". Written by Mark Phillips, an employee of a United States Overseas Agency, it depicts the national sensation created by a Congressional candidate running on a ticket of New Aristocracy. Shades of the Loyalists and Anglophiles ride again when Mr. Phillips' hero announces he will restore the status symbols and personal distinctions of by-gone days. When confronted by the withering glances of an investigating committee, Wasserstoff states, "Gentlemen, Congress is a trifle behind the times. You see, it isn't fashionable anymore to pose as the friend of the common man since nobody really considers himself common anymore." Ben Johnson never hit home more accurately.

"The Ruling Passion of Melvin Maybe" takes irreverent pokes at a man who never commits himself to either side of an issue until, with his dying gasp, he admits to a belief in Dynamic Conservatism. If Mrs. K. Perlo, a Washington, D. C. housewife-author, was attempting to remind us of our ex-President and his theory of Modern Republicanism, I suggest she would have done better to stand at her window with her hands in dish-water rather than at a typewriter.

Other diversion can be found in "Such a Little Country", which swipes almost seditiously at the Lebanese intervention, and "Rocks and Roll-Calls", an obviously disgusted reaction to Mr. Nixon's Latin-Ameri-

can martyrdom of not too many months ago.

When it sticks to frivolity, *Monocle* is, at best, an average collection of young writing talent casting stones at Americans; it is good enough to give the above-average reader respite from the colored phrases of the Luce publications. But when its authors yield to the temptations of serious political satire, they have gone off the track. Maybe the so-called "abuses" in our government and our society do not lend themselves so readily to satire as did the environments of Dryden, Cowper, Walcott, Pope and *Vanity Fair*; maybe the "Ratione Personae" of our society can not laugh and think at the same time; I hasten to add, I hope not, but I am afraid so. If you enjoy really good satire, buy *Gulliver's Travels*. It costs more than the 50c the bookstand will charge you for *Monocle*, but someday your children can use *Gulliver's* in an English Lit. class. I doubt if anyone will ever put *Monocle* to a similar use.

— Gold

## Backward British

*The following is an extract taken from Beaver, the college magazine of the London School of Economics, issue for 1st April 1962:*

Yesterday the Director published the report of the "Committee for the Reform of Organization, Administration, Documentation, Procrastination, and Pragmatism at the London School of Economics and Political Science." It will be recalled that last year an assistant-lecturer was sent to Harvard Law School to study the case method of teaching with a view to considering the desirability of its adoption in the law faculty of this college. Upon his arrival at that institution a new Sub-Vice-Dean was appointed to assist him in the work. After three months, this combination formed itself into a committee and assumed the above title. (No comment will here be made as to the liability of this college for the secretarial bill of the Committee, as this is still sub judice).

The report made the following recommendations —

1. It is, we think, quite inconsistent with the dignity and prestige of this college that the Law Department should continue to function without at least one Dean. The practice of the senior professor in dealing with the administrative affairs of the Law Department during his coffee break should no longer be tolerated.

2. Insufficient attention has been paid to the formalities of admission to the college. Admittedly the students complete five forms, but this number is grossly inadequate to impress upon the student that he has entered college and that a more intelligent attitude to affairs is now expected of him. Further, this number is quite insufficient to contain all the information which at sometime might be relevant. Also we have not forgotten that as new offices become necessary so new sets of forms will be required. An efficient organization always looks ahead, and we feel that spare sets ought to be readily available.

3. The administrative staff of the Law Department (one secretary/typist) cannot be regarded as satisfactory in an expanding enterprise. If the above reforms are adopted, and if all letters by the faculty are in future typewritten, as in any tidy concern they should be, then we are convinced that at least five more secretaries and typists should be employed.

4. The buildings at L. S. E. being as they are, it is inevitable that students must from day to day pass from one side of Houghton Street to the other. Admittedly there is very little traffic on this road, but even so the unsightliness of students walking out of doors ought to be eliminated. Negotiations must be commenced with the Metropolitan Water Board, the London Electricity Board, the London Gas Board, the Holborn Borough Council, the London County Council, the General Post Office (Telephones), the town planning authorities, the University, H. M. Treasury, and other interested bodies with a view to the construction of a suitable tunnel from the new to the old building. The necessity for such a tunnel becomes manifest when we realize that no satisfactory study has yet been made of the effects upon the respiratory systems of the students of these erratic exposures to the fresh air.

5. It has come to our attention that certain students are living in mixed dormitories, situated at Ealing, Bloomsbury, South London, and elsewhere. This situation is alarming. The figures show that

10.5% of students now live in unofficial mixed dormitories

23.85% of students live in all male or all female dormitories administered by the university or the college.

65.65% of students live in private houses or apartments.

The eccentricities of this college are now accepted by the community. Even so, we feel

that there must be some limits. And the recent survey by the Sociology Department confirms our anxiety. This shows that something between 1/4 and 1/5 of our students are classified as "unbalanced". We recommend, therefore, that all male students not living in private accommodation should live in male dormitories, and that all girls should live in female dormitories with proper guidance. Obviously however, a reasonable attitude demands that male students must be allowed some female company. We recommend that a sub-committee be appointed to determine the right dosage. Regulations can then be drafted to insure that all students have that amount of mixed recreation which is appropriate for their well-being.

6. Some critic of our proposals once suggested that this arrangement might add to the mental disorders of the student community. Plainly this is nonsense. Yet modesty requires that no criticism should be ignored. The efficacy of our ideas should be demonstrated by the appointment of a psychiatrist who would interview each student every year. If the student appears adjusted by comparison with the psychiatrist, then it is clear that he has not reached the danger point.

7. The case method of teaching should, for obvious reasons, be enforced in all faculties forthwith.

*Ed. Note: The Director, after questioning, said that he felt sure the report must have some value.*

## Alumni Notes

LL.B. '50 — *Ralph R. Weiser* and *Joseph Lotterman* have formed a law firm, Lotterman & Weiser, with offices at Chrysler Building East, 666 Third Avenue, New York 17, N. Y.

LL.B. '51 — *Melvin L. Glauberman* has become a member of the firm of Mac C. Berman and the firm name has been changed to Berman and Glauberman. They are located in Suite 1010 and 1011, 51 Chambers Street, New York 7, N. Y.

LL.B. '55 — *Alan Zelnick* has published an article entitled, "Copyright and Design Patent Protection Against Importation of Piratical Merchandise," in the June issue of the *Bulletin of the Copyright Society of the U. S. A.*

'12 — '13 — *Charles Ambrose Plamondon*, 68, died October 6, 1958. Retired military figure, his career included both world wars. He was, during World War II, a colonel in the U. S. Air Force. From 1932 to 1935 he served as chief field deputy in the Chicago office of the Collector of Internal Revenue.

# Alumnus Reports on Cuban Trials

**Congressman defends Cuban administration of justice after civil war. New leaders described as devout, not fanatic; humble not arrogant; angry, not bloodthirsty.**



Charles O. Porter, LL.B. '44 (47) was one of the founders and the first president of the RECORD when it began publication in the fall of 1946. Mr. Porter was elected to the U. S. House of Representatives from the 4th District of Oregon in 1956, becoming the first Democrat ever to be elected from that District. He was reelected last fall.

Congressman Porter has been perhaps this country's most outspoken and consistent critic of Latin American dictatorships, in particular those of Trujillo and Batista, throughout his tenure in the House.

By Charles O. Porter

Whether Cuba's new climate of freedom lasts depends largely on Fidel Castro. Castro defends the necessity and fairness of the military trials of accused war criminals. Many important voices have been raised in the United States to protest the trials as "drumhead court-martials" and the executions as a "blood bath." These procedures are far from ideal, but how significant are these shortcomings?

Many who loathed Batista are sickened by the thought that Fidel Castro, perhaps in spite of himself, may end up just another Latin American strong man ruling for an interval by terror and tribute. This is by no means impossible.

Because I had long admired Castro as a brave fighter against Batista and because I want to do whatever I can, however little, to help the new Cuba to be democratic, I accepted an invitation from Fidel Castro and the Cuban News Reporters Association recently to visit Havana.

I was there two days. I attended the mammoth rally. I spoke with Fidel Castro, with President Urrutia, whom I had previously known and respected as a determined and democratic anti-Batista man, with cabinet ministers whose

merits I had read about in a State Department dossier I read on my way down to Havana; with our top embassy officials; with 26th of July leaders, with seasoned Latin American newspaper reporters and with ordinary Cubans both rich and poor.

It has been my good fortune to visit Colombia, Venezuela, Honduras and now Cuba within the past two years in each instance after the ousting of a dictator. My interest in hemispheric affairs no doubt exceeds my information. I am still learning and there still are several countries in this hemisphere for me to visit.

If Castro's Cuba is in fact an emerging democracy, then the newly adopted policy of our government requires our rendering a warm abrazo. If this is not true, then a cool, formal handshake only should be proffered in our relationships. This follows Dr. Milton Eisenhower's recent proposals which the President has endorsed.

My good friend and respected mentor, the senior Senator from my State, is deeply respected in Cuba as elsewhere in the world for his unflinching and aggressive liberalism. Senator Wayne Morse has

referred to the executions in Cuba as a "blood bath" and has stated that "the Castro regime shot many Batista people without a semblance of a fair trial," although he adds, "I haven't any doubt that a fair trial would have found them guilty."

Senator Morse is chairman of the Senate Foreign Relations subcommittee on Inter-American Affairs. He has always been an outspoken foe of dictators.

Editorial comment in Oregon and throughout the nation has been adversely critical for the most part. An article by S. L. A. Marshall, January 21, 1959, on the editorial page of the New York Herald-Tribune refers to "Cuba's new strong man . . . harvesting vengeance in the name of the revolution" and to "swift, farcical trials and firing squads working as callously as if they were slaughtering bees."

I do not believe that there has been any "blood bath" in Cuba nor do I believe that Castro and his 26th of July Movement are denying fair trial to accused war criminals, although I believe their procedures should be much improved.

My opinion is based on two years of observing the Cuban situation.

What is a "blood bath?"

I'd say it was irresponsible, indiscriminate killing of persons. As for "drumhead trials" or lack of elementary due process, I suppose that means the accused not knowing exactly the charges against him, not being confronted with the witnesses against him, and not having proper opportunity to defend himself.

Persons critical of the trials and executions are not, in my judgment, fully informed, often through no fault of their own. They don't realize the magnitude and high morality of the revolution.

Before Batista's frantic flight to Trujillo's haven for defeated dictators, I had met many Cuban revolutionaries in the United States and elsewhere in the hemisphere. Manuel Urrutia, the provisional president, Ernesto Betancourt, the Washington representative of the movement, Tony Varona, former president of the Cuban Senate, Dr. and Mrs. Santos Buch, and many others were well known to me.

These revolutionaries were devout, not fanatic; humble, not arrogant; angry but not bloodthirsty. Last week I met many who served in the ranks. My impressions square with those of impartial observers who lived with them in the mountains. The Castro men are restrained, disciplined and dedicated to their task. They are not a rabble in arms.

The rebels tortured no one. They shot no prisoners. Even after victory there is no report of looting or violence by them. Theirs is a crusade for an honest and terror-free Cuba, not a conquistadorial drive for wealth and power. Priests and protestant ministers were attached to the rebel forces. Batista's army had no chaplains at all.

In short, and I invite you to ask anyone who knows Castro and his men, the 26th of July Movement is not made up of men who would indulge in or allow irresponsible, indiscriminate killing or, if you will, a "blood bath."

Since Castro took over in Cuba there has been respect for civil liberties. The press has been entirely free. Many journalists have roamed all over the island with notebook, tape-recorder and movie camera. Whatever else the revolution may or may not be, it is newsworthy.

I have followed these reports closely and I have yet to see a specific allegation that even one accused war criminal was denied elementary due process or that a particular one of them was unjustifiably executed. I asked veteran newspapermen in Havana if they knew of any such instance. They did not. They were convinced that the men executed deserved conviction and that they had had a fair opportunity to defend themselves at their trials.

During Batista's years of terror there was censorship. "Official" acts of cruelty and murder were kept out of print. Huge sums of money were spent by the government to bribe both publishers and reporters. It is no wonder that many persons in the United States thought Castro's insistence on the continuance of these trials harsh and ominous.

"There is hardly a family which has not felt the brutality of the Batista police," a LIFE correspondent reported (LIFE, January 26, 1959).

The cases against the accused war criminals were not hastily concocted on the say-so of some hys-

terical woman who might or might not be telling the truth. The movement had many spies. Almost every Cuban was against Batista.

Vehicle movements of Batista men were carefully checked. Pictures were taken. Batista's policy was to allow pictures of torture victims to become available widely. He wanted to terrorize the rebels and their friends.

Dossiers were prepared by the rebels. Many of Batista's murderers and torturers escaped when the

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government fell. Those who did not are being tried by military courts under war criminal laws similar to those the Allies employed in Germany after World War II.

"If I allow just one man to be killed unjustly, I destroy my whole Movement," Castro told me very seriously when I first talked with him. We were jammed together with his chiefs and with journalists from all over the hemisphere on the speakers' platform at the rally last Wednesday.

This was the rally where he asked those who supported the continuance of the trials to raise their hands. Of course I deplore such tactics and others he has used. Let me make it clear, however, that I believe in the good faith of Fidel Castro and the new Cuban government. These men are not vengefully killing people, nor are they "harvesting vengeance" or giving "swift, farcical trials" or allowing firing squads to work "callously as if they were slaughtering bees."

If wanton murder and inhuman torture are capital crimes, and they are in the rebel war criminal code, those executed deserved to die and were permitted to do so far less painfully than their victims.

We fought a war to make the world safe for democracy but the fact is that a democrat in Latin America in the past several decades has lived a precarious life and often died a painful death. The recent overthrow of a number of dictators gives reason to hope that the hemisphere may become unsafe for tyrants and their menials.

If Castro had been after power and money he could have had much of both firmly in his grasp by now. Instead he set up the provisional government under President Manuel Urrutia. Neither Urrutia nor his ministers are men who would

Two former presidents of the RECORD are in Cuba to study the administration of justice in the post civil war climate. David Binder, 3L of Beaver Falls, Pa., and Ralph Nader, LL.B. '58 of Winsted, Conn., left Cambridge at presstime.

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act as puppets for Castro or anyone else. The State Department prepared a notebook with their biographies for me to read on my way down to Havana. I was impressed by the fine qualifications of these men.

Of course, like Castro himself, many of them are amateurs in politics. They will need help and forbearance until they learn how Cuba can be governed effectively in conditions of honesty and human freedom.

Castro now governs Cuba but the signs are that he will soon turn over his great powers to the new government. He drives himself relentlessly but manages to keep his sense of humor and humility. His remark about 200,000 gringos dying was a flippant sally in answer to a newsman's flippant query as to what would happen if the United

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States sent the Marines to Cuba. The U. S. press solemnly printed this as a bragging threat and called him a demagogue. He is wryly rueful about the incident, but I think certain reporters have more to answer for than Castro. I am certain that he is not anti-United States at all.

Fidel Castro can mean democracy at long last for Cuba or he can mean disillusionment and another strong man government. His present reign is characterized by confused disorganization but much good will and dedication in preparing for a democratic Cuba. One of his young bodyguards, a U. S. citizen from Brooklyn, told me, "Fidel uses C. S. T., Castro Standard Time — six hours late."

He needs counsel from experienced Latin American democrats like Governor Munoz Marin of Puerto Rico, Costa Rican ex-President Jose (Pepe) Figueres, Columbian President Alberto Lleras Camargo and Venezuelan President-Elect Romulo Betancourt.

These men can tell him much he needs to know about relationships with Cuba's immediate neighbors, the United States, and Soviet Russia. Fidel Castro has it within his power to win a place in the history books as a great builder of Latin American democracy as well as a guerilla leader of a highly popular revolution.

Democracy is not won by vanquishing a tyrant. It is won by fostering human freedoms and basing the government on the results of free elections. Democracy is an equilibrium. Once attained, it has to be retained.

Expediency and indifference can destroy democracy. This is why the United States must concern itself with the development of democracies in other lands, and particularly with respect to a close neighbor like Cuba. To the extent we encourage democracy elsewhere we help maintain and strengthen our own standards of human freedom.



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