



Mr. Borgeson

(20)

Harvard Law Record

FORUM HIGHLIGHTS WOMEN'S EDUCATION

INDIAN AMBASSADOR VISITS COFFEE HOUR

JUSTICE JACOBS DEFENDS CLERKSHIPS



DAVID RIESMAN STUDIES INDIVIDUAL

STUDENTS REDRAFT SEX LAW

Harvard Law Record

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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, March 12

NOMINATING petitions for class Marshal, Secretary, and Committeemen must be filed with the receptionist, Langdell Hall, by 5 p.m.

Friday, March 13

The HARVARD LAW FORUM will present a discussion on the topic, "The Problems of Women's Education" at 8:30 p.m. in New Lecture Hall, Kirkland and Oxford streets, Cambridge.

Harold Szold, general partner and head of the industrial department of Lehman Bros., will address the BULL & BEAR CLUB on "Careers in Special Situations," 1:40 p.m. in the Harkness Meeting Room.

The Harvard Law - Graduate REPUBLICAN CLUB will hold a luncheon in the Mallory Smith Room at 1 p.m. The speaker will be Mr. Robert Cutler, chairman of the Old Colony Trust Co., and Special Assistant to the President on National Security Affairs. The public is invited.

Monday, March 16

The INDIAN AMBASSADOR to the United States, the Honorable Mohomedali C. Chagla, will speak to the Coffee Hour on the Indian Constitution.

Wednesday, March 18

Dr. Frederic Wertham, Consulting Psychiatrist, Queens Hospital Center, N. Y. will speak on "Psychological Danger Signals in Modern Youth" at FORD HALL FORUM, Jordan Hall at 8 p.m.

CARLOS CHAVEZ will speak on the "Enjoyment of Music" in the lecture series "The Musical Thought" at Sanders Theatre, 8 p.m.

Members of the Poet's Theater of Cambridge will give a series of light skits for the entertainment of the HARVARD LAW WIVES at 8 p.m. in Harkness Commons.

NEWS SECTION

Forum Highlights Women's Education

The Harvard Law School Forum will present a discussion on the topic, "The Problems of Women's Education" on Friday, March 13 at 8:30 p.m. in New Lecture Hall, Kirkland and Oxford streets, Cambridge. The panel of four, made up of leading American educators will be led in the discussion by Mildred McAfee Horton, former president of Wellesley College. Mrs. Horton, having held educational positions in a number of liberal arts institutions has served on a United States Educational Mission abroad and has served as a member of the White House Conference on Education. Mrs. Horton has been awarded several honorary degrees and has been active in the fields of insurance and communications, as well as the field of education.

A second participant will be Anne G. Pannell, president of Sweet Briar College, Virginia. She has held positions in various educational institutions and has been chairman of several prominent educational conferences and conventions. She is a member of the AAUW and was president of its Alabama division. She is a frequent contributor in the "Journal of Politics," "The Friend's Historical Review", the "American Historical Review" and other periodicals and professional journals.

Also appearing will be William E. Stevenson, president of Oberlin College. Dr. Stevenson was a Rhodes scholar and received the B.A. and M.A. degrees at Oxford. He was admitted as a Barrister-at-Law to the Inner Temple and is a member of the New York Bar. President Stevenson was chairman of the national Fulbright Selection Committee, '54-'56 and a member of the Ohio and district Rhodes Scholarship Selection Commission, '53-'55 and is a member of many educational research groups and foundations.

The other participant will be Harold Taylor, president of Sarah Lawrence College. Dr. Taylor is editor and co-author of "Essays in Teaching", 1950, and is author of the book "On Education and Freedom", 1954. He is also a contributor to philosophical and edu-



William E. Stevenson

cational journals. During the post war period Dr. Taylor has continually appeared at the forefront of the fight to maintain academic freedom.

Admission to the event will be by season tickets or by individual tickets for 95¢ at the Coop, or 23 Everett Street, or at the door.
— Skornia

N.Y. Graduate Introduces Profession to Undergraduates

Confining his remarks to the "bread and butter" aspect of the legal profession, Lloyd K. Garrison, LL.B. '22, told Harvard undergraduates that the disadvantages and drawbacks of the law as a profession are of a material character, while its principal advantages are the intangibles.

Garrison, a partner in the New York City firm of Paul, Weiss, Rifkind, Wharton, and Garrison, speaking at the Harvard Conference on Careers, cited the chief difficulty for a young lawyer getting started in the profession as the oversupply of graduates from an increasing number of good law schools,

causing a considerable competition for jobs. Once he has a job, the attorney must then compete for clients. Here he encounters problems of lay competition from accountants, banks, and realtors, and problems of high overhead expenses to keep up with the constant outpouring of decisions and statutes. Another handicap for the young lawyer is the premium placed on maturity by clients who tend to seek an older representative of the bar whose judgment and wise counsel they feel they can trust more easily.

In contrast, Garrison added that the practice of law is a stimulating way of life, where the variety of situations one must deal with are endless. The attorney is always dealing with alert and trained intellects. "Lawyers may be bad," he remarked, "but seldom stupid." Other rewards of the profession the speaker listed as the joy of craftsmanship, especially in drafting documents, the satisfaction derived from helping clients over rough times, the independence of the attorney in accepting or rejecting a client, the capacity of the lawyer to shape events in his community, and the profession's sense of confraternity.

Before dealing with the pros and cons of entering the profession, Garrison pointed out that the great distinction in the way of life of American lawyers is the one between small town and big city lawyers. Those attorneys located in small towns are public characters in the community in contrast to their more anonymous city cousins. Specialization is also a characteristic of the large city firm, for its problems are larger in complexity, difficulty, and weight and require special knowledge in areas where the financial consequences are great.

Yet metropolis or town, the staples of the profession are the same for each, and here Garrison enumerated the five most common activities as counsel in business and corporate transactions, in preparation for death, in real estate, in taxation, and litigation. Litigation, Garrison emphasized, forms a small part of legal practice, but he also noted that the auto accident was the "greatest boon to the profession since the invention of firearms."

Garrison told his audience in the Lowell House Junior Common Room that the profession calls for articulate, personable, knowing, gregarious, self-confident men who

can be flexible in using their time. In the question period which followed, Garrison, a former Dean of the Wisconsin Law School, said he knew of no one method for one considering entering law school to decide if he was lawyer material. "It's pretty much how you feel about the law," he stated.

— White

Ambassador to Represent India At Approaching Coffee Hour

The Indian Ambassador to the United States, the Honorable Mahomedali C. Chagla, will speak at the Coffee Hour on Monday, March 16. His topic will be the Indian Constitution and India's position today in international affairs.

Ambassador Chagla is one of the most distinguished jurists in the common law world, former Chief Justice of the Bombay (State) High Court, and a professor of constitutional law. Before taking the bench in 1941, he was a barrister at law, having received his legal education at Lincoln College, Oxford, and Inner Temple.

In the period preceding Indian independence, Ambassador Chagla was a representative to the United Nations, pleading the Indian cause. He has been Vice Chancellor of Bombay University, and has written on the Indian Constitution.

Eliot Morison Reflects On World War II Sea Fights

Warmed by the guffaws of an eager audience at last Friday's Coffee Hour, and relaxed by the puffs of a crumpled cigar, Samuel Eliot Morison reminisced about his experiences as a naval historian. He stated that he has had the good fortune "to write history through participation," being in the combat area as the events of the second World War were unfolding. Citing Parkman's Oregon Trail journey, Morison believed it helped the nineteenth century chronicler to become "America's greatest historian." Unfortunately, the great value of participation often brings with it a major drawback. Most of the participants in the epoch are still alive, and their views of what happened during the War are passionately advocated. Realizing that he cannot please all of them, Morison objectively stated that he hopes only to "tell the truth." He cited

the example of the general who insisted that 24 enemy ships were sunk by the skip-bombing technique used in the Bismarck Sea, while Morison's doubly documented information showed that but 12 ships had ever ventured into the area.

When one student asked why an invasion of Hawaii was not attempted by the Japanese, Morison said that although Oahu could be taken, it could never have been held because of the advanced supply line. Secondly, the immediate Japanese objectives were Malaya and Indonesia. The historian dismissed fairly swiftly the notion that President Franklin D. Roosevelt had advance word of Pearl Harbor; the only information that we knew was not by itself enough to pinpoint the attack.

Morison attributed the extensive use of the *kamikaze* plane toward the end of the war to the depletion of the pilot force and the surplus of aircraft. Short course fliers were developed who knew how to fly well enough to raise havoc with the center of a ship, when aimed directly at it. The historian accounted for the longevity of our merchant shipping in the Pacific because of the Japanese practice of using subs for scouting, rather than for destruction.

When asked to comment on the proposed unification of the armed forces, Morison stated that he saw no good to a monolithic military structure in this country; he felt that the "healthy rivalry" engendered by the present split will far outweigh the advantage of a single force.

— Nelson

Student Research Bureau Chooses New Officers



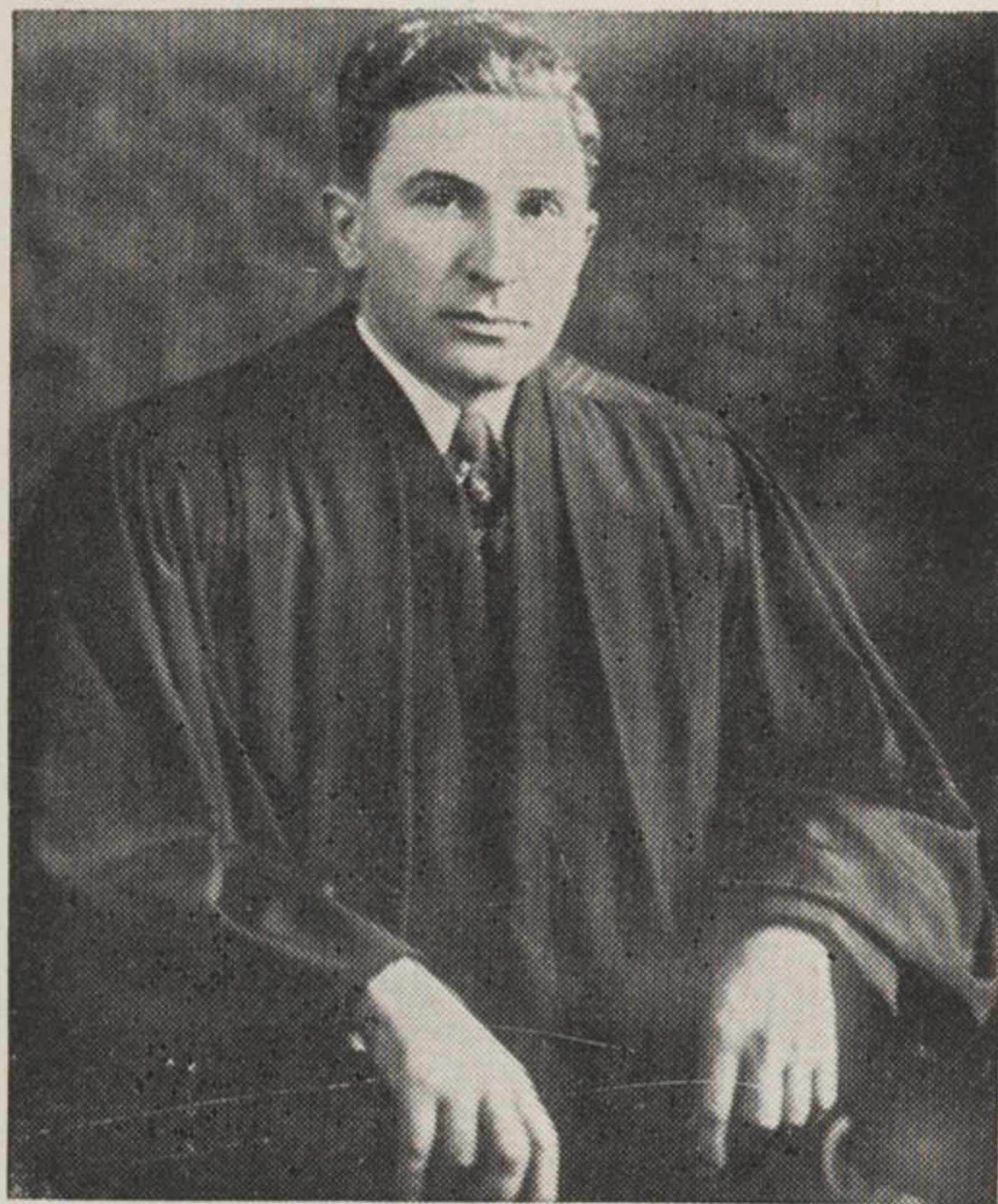
New officers of the Harvard Student Legislative Research Bureau are shown above in their offices. They are, left to right, David Mitchell, 2L San Gabriel, Calif., vice president; Samuel B. Fortenbaugh III, 2L of Radnor, Pa., president;

David S. Barr, 2L of Stratford, Conn., vice president; and Donald F. Melhorn, Jr., 2L of Toledo, Ohio, vice president. Robert H. MacKinnon, 2L of Ft. Wayne, Ind., secretary and treasurer, was not present for this picture.

Justice Jacobs Defends New Jersey Clerkships

New Jersey Supreme Court Justice Nathan L. Jacobs, LL.B. '28, S.J.D. '31, declared that the state "would abandon its clerkship requirement tomorrow, if we had a proper substitute."

Justice Jacobs made this comment during a cocktail party given in his honor on Saturday, March 7. More than 75 New Jersey students and their guests attended the party,



Nathan L. Jacobs

which had been planned and organized by Roy A. Schotland, 2L of East Orange, N. J., and Hugo M. Pfaltz, 2L of Short Hills, N. J.

Justice Jacobs gave an informal talk about the controversial nine month clerkship requirement and answered many questions about New Jersey practice.

(These clerkships were criticized in a RECORD editorial, published November 20, 1958. — Ed.)

He criticized other states that had taken the "easy way out" by not having any clerkship requirements. "This," Jacobs stated, "was not a conscientious endeavor to elevate the standards of the bar." The Justice said he felt that a person was not properly equipped to handle clients and go to court as

soon as he has graduated from law school; some sort of preceptorship is required.

The present clerkship requirements are unsatisfactory, he declared, and the court is carefully considering ways to improve the system. One change that will probably be made in the near future is permitting people to take the bar exam right after graduation, instead of having to wait until their clerkship is over.

Jacobs agreed with the students that the present salaries for clerks are too low. A lawyer owes a responsibility to the clerk he takes on, the Justice said, but a "goodly portion of the bar does not recognize this responsibility."

New Jersey practice has many things to offer, but money is not one of them, Jacobs admitted. He noted that, during a clerkship, a person would be lucky to make half of what he could make in New York City. In fact, a lawyer in New Jersey is unlikely to ever make as much as he would have made in New York, Jacobs stated.

New Jersey is a good place to practice, the Justice said, because a lawyer has a lot of independence, and has a chance to have a well rounded life through participation in civic affairs. This is especially true in the "country" practice, which is any place in the state outside of the Newark and Trenton areas.

Roy Schotland introduced Joseph Harrison, LL.B. '29, to the group. Mr. Harrison is the Editor of the *New Jersey Law Journal* and on the ABA Committee on the Bill of Rights. Mr. Harrison stated that the cocktail party was a pleasant turn-about, since the New Jersey Harvard Alumni always have students as guests at their cocktail party each December.

Also present were Prof. Austin W. Scott, who had Justice Jacobs as a student; Prof. Henry M. Hart, who did graduate work with Justice Jacobs; and Profs. Abram J. Chayes, Clark Byse, and John P. Dawson, who worked at the Salzburg Seminars with Justice Jacobs.

— Raphael G. Jacobs

Big Steel Chairman Laments High Labor Costs and Inflation

With a grin and a crack that he thought his current job was pretty good, in fact the best he'd ever had, Roger Blough, chairman and chief executive officer of U. S. Steel Corporation, laid aside a prepared speech last week to tell the Bull and Bear Club that the country's basic industry has serious long range problems. Decrying popular complacency over America's preeminent position in world production, he diagnosed three areas in which he suggested citizens seriously scrutinize public objectives.

Starting with foreign competition he said that aggressive competition abroad was steadily lowering America's share of world steel output. He cited a recent case in which American scrap was bought in California, processed in Japan, and transported back to Salt Lake City, where it undersold a U. S. product of the same grade. Blough said that Germany and Japan had both succeeded since World War II in tremendously expanding their output while at the same time lowering their prices to levels competitive with those of U. S. Steel in the American market. He attributed the success of Germany and Japan, and of other countries, to lower wage rates and favorable government tax and fiscal policies.

Turning to the labor cost situation in the country today Blough said that the shrinking competitive edge of the U. S. economy could no longer support spiraling wage costs, even on the most favorable view of possible technological advances. Wage costs in the steel industry have risen from an average of 86 cents per hour in 1940 to a current \$3.60. Comparing this average of 7.6% per year with an average annual output increase of only 2.5%, Blough said that the difference could only come from increased prices. While this has had bad inflationary effects in the past, he said that a continuation of the trend during a period when other countries will be combining our mass production techniques and know-how with their lower wage scales could be disastrous.

One of the most effective — and badly needed — remedies seen by Blough is the de-

velopment of a shorter term capital investment write-off program, which he felt would encourage technological advance and at the same time ease the squeeze on companies like U. S. Steel for long term investment funds. He told of a recent replacement of an open hearth battery at a cost of \$64 million, only \$10 million of which had come out of depreciation reserves. The rest, he said, had to come in one form or another from profits. Noting Germany's progress since World War II under pro-business tax policies, he called for an "incentive minded tax program" which would enable companies to finance replacement and capital expansion out of retained earnings.

Blough admitted that the steel industry has problems in meeting competition in some areas from other metals, but insisted in conclusion that the increasingly urgent problems of foreign competition, labor costs, and financing problems can no longer be brushed aside. He urged education of the public on the fact that "something for nothing just isn't so."

— Smart

Professor Glueck Publishes New Juvenile Delinquency Book

Lawyers and judges who deal with juvenile delinquency need to understand a wide variety of findings in psychology, psychiatry, sociology, social work, and anthropology, as well as legal cases.

This is the conclusion of Professor Sheldon Glueck, who has been teaching a course on juvenile delinquency to third-year and graduate students at the Law School.

To meet the need for legal courses on the subject, Professor Glueck has assembled 186 articles and legal decisions by a wide variety of authors into a textbook, "The Problem of Delinquency," just published by Houghton, Mifflin Company. Each of the chapters is preceded by the Editor's comments. This is the first book of its kind to treat the problem not only from the legal aspects but also by the inclusion of extra-legal materials as well.

The book is divided into four parts:

(1) Incidence and Causation (heredity and



Sheldon Glueck

biology, psychology, psychiatry, family life, school influences, the neighborhood, and the gang).

(2) The Juvenile Court and the Law (history and organization of juvenile courts; constitutional protections; problems of jurisdiction, problems of proof, problems of dis-

position, custody, neglect, and dependency).

(3) Sentencing (including use of predictive devices) and treatment probation, foster home care, institutional care, hospital care, casework, individual treatment, and group therapy).

(4) Prediction and prevention of delinquency.

Professor Glueck said he hoped the book would stimulate law schools throughout the country to introduce courses "on the mounting serious problem of child delinquency." He further expressed the hope that, with the availability of these teaching materials, young men here and elsewhere will go into correctional fields.

The book is designed, he said, for advanced law students and others "whose vision goes far beyond the specific issues presented in legal decisions to embrace the various criminogenic influences which brought the child to the court and the processes that might counteract those influences and return him to the family and the community as a happy, law-abiding junior citizen, as well as plans which might reduce the number of potential delinquents."

— Barnitt

Wood Cites Conformity as Disintegrating Force

Professor Robert Wood of MIT, author of *Suburbia — Its People and Their Politics*, discussed the suburban population movements in fourteen United States metropolitan areas, at a luncheon meeting of the Law School Democratic Club on February 25. He noted that such population shifts could be detrimental to the political bulwarks of our society. As a replacement for the legalism of the Social Compact, Wood visualized a movement towards *ad hoc* social control and what he termed "personal appropriateness" as the standard for an ordered community.

To introduce his talk, Professor Wood sketched the present state of urban development. He divided the modern urban complex into three groups titled "Downtown", "The Grey Area", and "The Suburbs". He said that the rush to the suburb has been a joint effort on the part of large industries seeking land for its one story building predilection, and individuals impelled to escape

into outlying areas where neighbors are "only slightly less than a stone's throw away". Neighbors, it might be noted, who are likely to be from similar economic and cultural backgrounds.

In such environments, which to Wood are indicative of the unbalanced state of wealth and needs among population centers in the U.S.A., the citizens turn away from the political anonymity of large municipal governments. They gravitate instead towards the personal recognition of smaller neighborhood cliques. In executing this turn-about, the citizens of Suburbia seem to be expressing a preference for direction by personality rather than legalism. The Justice of the Peace and the Moderator of Town meetings, individuals usually lacking a legal background, become the directive forces in the community. The drive for smallness breaks down any desire for centralized political management of community problems.

Moreover, the vocal majority in the suburbs find their task of instigating autonomy easy because there is often no minority present that is capable or willing to establish partisan political opposition.

Professor Wood observed that young lawyers have been particularly active in this suburban trend. Lawyers who are interested in remaining aloof from partisan politics for career reasons see in the suburbs an area of escape in which they can still gratify their desires to achieve community standing and leadership.

To combat the individualism and community isolationism of the suburbs, Professor Wood would rely on two techniques:

The first would be creation of non-governmental groups to plan and direct efforts needed to meet the wants of both the suburbs

and residential "blight areas," which lie in the limbo between the suburbs and downtown office areas. Such groups, comprised of independent citizens, seem to be more palatable to the suburbanite. The Boston MDA and the New York Port Authority were cited as examples of this type of organization.

The second technique would utilize undercover methods to subvert the aims of the suburban trend away from a government of laws. These methods would be carried out by political groups acting on external conditions of existence. Re-direction of the suburbanite's political thoughts and actions would come about by a process of "convincing, scheming, and Machiavellian plots", which Professor Wood thinks are particularly adapted to the resources of political organizations in our country.

— Gold

Professor's Wife Reminisces

Mrs. Mark de Wolf Howe, wife of Professor Howe, addressed the Harvard Law Wives, recently. Mrs. Howe who has, at times, been actress, playwright, director, and novelist, titled her chronicle "A View from the Kitchen Window." She described her careers both on the stage and at home, showing a good deal of compassion for the lot of the law wife who "enjoys — or endures — a life of pressure cookers, pressured husbands, and low pressure budgets."

Mrs. Howe's early life in Dublin in the 1920's at the Park Hill School for Girls came to vivid life as she recalled how she and her classmates were made to sing "God Save The King" through open windows while the I.R.A. forces marshalled below. This was also the Dublin of literary and theatrical figures, many of whom Mrs. Howe met and worked with when she entered the Abbey Theater School. W. B. Yeats would "drift in". Sean O'Casey was heard to murmur "sick pups" at a rehearsal the theater group was having. Sarah Allgood, the Abbey Director, allowed in retaliation that Sean had no talent.

Mrs. Home likened the Abbey Theater, which developed such talents as Barry Fitzgerald and Cyril Cusack, "to a family of highly gifted children." She lauded this type of training for hopeful actors, where one

would play 20 to 30 roles a year, because "one must learn acting by acting."

After her marriage Mrs. Howe retired to domestic life in Cambridge. But during the war, while Professor Howe was overseas, she directed the theater group at Radcliffe. She felt there was more drama backstage than on stage. The club's attempts to balance the budget were only thwarted once, by a young lady from Texas who bought \$100 worth of angel cake from S. S. Pierce for a tea meeting. Mrs. Howe's comment: "The curse of bigness."

— Ughetta

Cutter Addresses Bureau

The Honorable R. Ammi Cutter, '25, Associate Justice of the Supreme Judicial Court of Massachusetts, was the principal speaker at the annual banquet of the Harvard Legal Aid Bureau held at the Signet Society on Thursday Evening, February 26. Justice Cutter contrasted Bureau operations during his year of membership with the present work of the Bureau, praised the social benefits of Legal Aid work, and entertained the gathering in fine after-dinner fashion. Other speakers were Acting Dean Livingston Hall and Attorney Robert S. Judge, '36, President of the Cambridge Bar Association.

The Banquet is an annual affair for the 38 second and third year members of the Harvard Legal Aid Bureau, the Law School Faculty, and other distinguished guests.

Harlan Club Visits Supreme Court

Sixteen members of the Harlan Law and Equity Club journeyed to Washington recently for their annual mid-winter meeting with Mr. Justice Harlan. The Justice sacrificed several hours from his arduous schedule to lecture the Club members on Supreme Court procedure and the do's-and-don'ts of appellate advocacy. He also gave them a thorough tour of his chambers, the conference room, the courtroom, and reserved a bloc of seats for them during the afternoon session during which several important tax decisions were handed down.

Addressing the group in a small assembly room of the Supreme Court building at 11:00 a.m., Mr. Justice Harlan discussed the major rule the advocate plays in the judicial process. He emphasized his remarks by distributing copies of an article he wrote entitled "What Part Does the Oral Argument Play in the Conduct of an Appeal?" (41 Cornell Law Quarterly 6). The Justice indicated that Harvard does not stress moot court work enough and that some smaller and lesser-known schools surpass Harvard in this respect. The Justice quipped that there is a certain amount of self-interest in his attempt to improve the quality of oral advocacy. For the court, unfortunately, does not hear first class arguments often enough, he added.

At noon the Supreme Court initiated its daily activities by swearing in new advocates to practice before the Supreme Court.

Justice Harlan later explained that this ceremony, though time-consuming, is meaningful to the new Bar members, many of whom have traveled to Washington solely for the honor. Interestingly, the great majority of those sworn in will never practice before the Supreme Court. Next the justices delivered orally their opinions of the previous week. The visitor is struck with the thought that the hours devoted to this might be better spent on more pressing matters. Originally the oral delivery of opinions was necessary inasmuch as opinions were not otherwise published. The listener cannot help but compare the writing style of the Justices to their oral style, the more succinct opinions usually being written by the more succinct orators.

After the Court adjourned, Justice Harlan talked with the Harlan Club in his private chambers. He answered questions which arose from observing the Court in action. A great deal of the Court's work, he said, is concerned with researching petitions for certiorari or rehearing. "Almost every losing litigant requests a rehearing", he remarked. The Justice exercised his judicial prerogative to decline comment on any matters which are currently controversial. But he did indicate that it is unfortunate that inside stories of the Supreme Court are written concerning members of the Bench who are still serving.

— Terry

Visiting Committee Inspects Law School

The Law School Visiting Committee performed its annual inspection of the School on Saturday, March 7, 1959 by attending classes, meeting with the Faculty, and touring the buildings. For most of the members of the nineteen-man group this was their first view of the International Legal Studies Building in its nearly-completed form, and their first opportunity to traverse the Toepfer Tunnel.

The Visiting Committee is appointed by the Board of Overseers of Harvard University to keep the Overseers informed on the state of the Law School and to give its assistance to the School. The members attended classes in small groups on Saturday morning, then had lunch with one-half of the Faculty at the Faculty Club. Immediately following the luncheon, Vice Dean Louis A. Toepfer conducted a guided tour of the new facilities.

The Committee met for an Executive Session in the Root Room, followed by a meeting with the entire faculty. One of the topics discussed during this meeting was "The Library — Its Policies and Problems." The Committee closed its visit by having dinner with those members of the Faculty who were not present for the Luncheon.

The members of the Visiting Committee for 1958-59 include: F.A.O. Schwarz, Chairman; Paul C. Reardon, Vice-chairman; Raymond S. Wilkins, Walter P. Armstrong, Jr., Frederick W. Brune, John G. Buchanan, W. Graham Clayton, Jr., Henry J. Friendly, A. Crawford Greene, George E. Hale, Charles Jackson, Jr., Nathan L. Jacobs, Henry L. F. Kreger, J. Edward Lumbard, Jr., Charles S. Maddock, William A. McAfee, John J. McCloy, David W. Peck, Robert Proctor, Elliot L. Richardson, and Charles E. Wyzanski, Jr.

— Milano

Williston Competition Hits Midstream

Problems were issued last week for both the qualifying rounds and the final rounds of the Williston Competition.

Nine qualifying round problems were issued on Wednesday, March 4, to the eighteen teams participating. The two week competition will end on March 18. Each team's solution will be mailed to a practicing lawyer in the jurisdiction where the problem is set. Each problem is cast in the form of a memorandum from a partner in a law firm to a junior and requires the draft of a contract, or a trust, or a corporate agreement.

The final round of the Competition began Monday, March 2, when facts were issued. The participants then had a chance on Wednesday to talk to Milton Bordwin, Faculty Assistant in charge of the Ames Competition, who acted as the senior lawyer who presented the assignments. The problem will require the drafting of an executive compensation agreement by house counsel of a corporation. It will be judged by Andrew H. Cox, LL.B. '41, of the Boston firm of Ropes, Gray, Best, Coolidge, and Rugg. Prizes to the amount of \$500 will be awarded to the three winning teams at a dinner on May 5, at the Harvard Club of Boston, which is sponsored by the Boston Safe Deposit and Trust Co., the donor of the prize money.

The three teams in the final round are composed of the following third year students: Robert Ridgley, Charles Edson, Peter

Matoon, and William Ughetta; Robert Borden and Lionel Savadove; Isaac Russell, Frank Babb and Mord Bogie.

The following problems are being used in the qualifying round:

Commercial Law

1. Steel Co. sales contract under the Uniform Commercial Code.

Corporation Law

1. Pre-incorporation employment contracts for key executives of future corporation.
2. Amendment to Certificate of Incorporation to allow transactions with interested directors and corporations.
3. Stock transfer agreement on death of principal stockholders in closely-held corporation.

Trusts

1. Provision in testamentary trust involving divestiture of interest of beneficiary on stated conditions.
2. Trust involving unusual charitable dispositions.
3. Massachusetts business trust to operate a shopping center.

Taxation

1. Income tax problems of settlor's retention of voting power of stock comprising trust corpus.

Contracts

1. A lease-modification problem.

Graduates To Use Cumulative Voting

Cumulative voting will apply to the election of Class Committeemen in the third year elections to take place next week. A change in election rules used by previous classes has been announced by Thurman W. Bretz, Chairman of the *Ad Hoc* Committee, providing for election by plurality in the race for Class Marshal and Class Secretary and a cumulative system for the four Class Committeemen.

Each voter may indicate in order of preference up to four choices for Class Committeemen. In the tabulation the first choice will receive four votes, the second choice three votes, the third choice two votes, and the fourth choice one vote.

If the voter lists only three preferences, the first will receive three votes; if he lists two preferences, the first will receive two votes.

The top four candidates in the weighted voting will be declared the winners.

Campaigning is again limited to posters. This year each candidate will have a poster displayed in Harkness Commons and Langdell South lobby from Monday until the elections on Thursday and Friday. Voting will take place immediately following Property II.

Nomination papers for all six offices must be submitted by five p.m. today at the receptionist's desk.

FEATURES SECTION

Gallery

Students enrolled in Antitrust and Labor Law courses have had an opportunity this year of studying under a newly appointed Assistant Professor not many years their senior. Professor Derek C. Bok, after completing undergraduate study in Political Science at Stanford, became a member of the class of 1954 at the Harvard Law School serving on the Board of Editors of the *Law Review* during his second and third years. During his last year, he was elected Class Marshal, a position which he still holds.

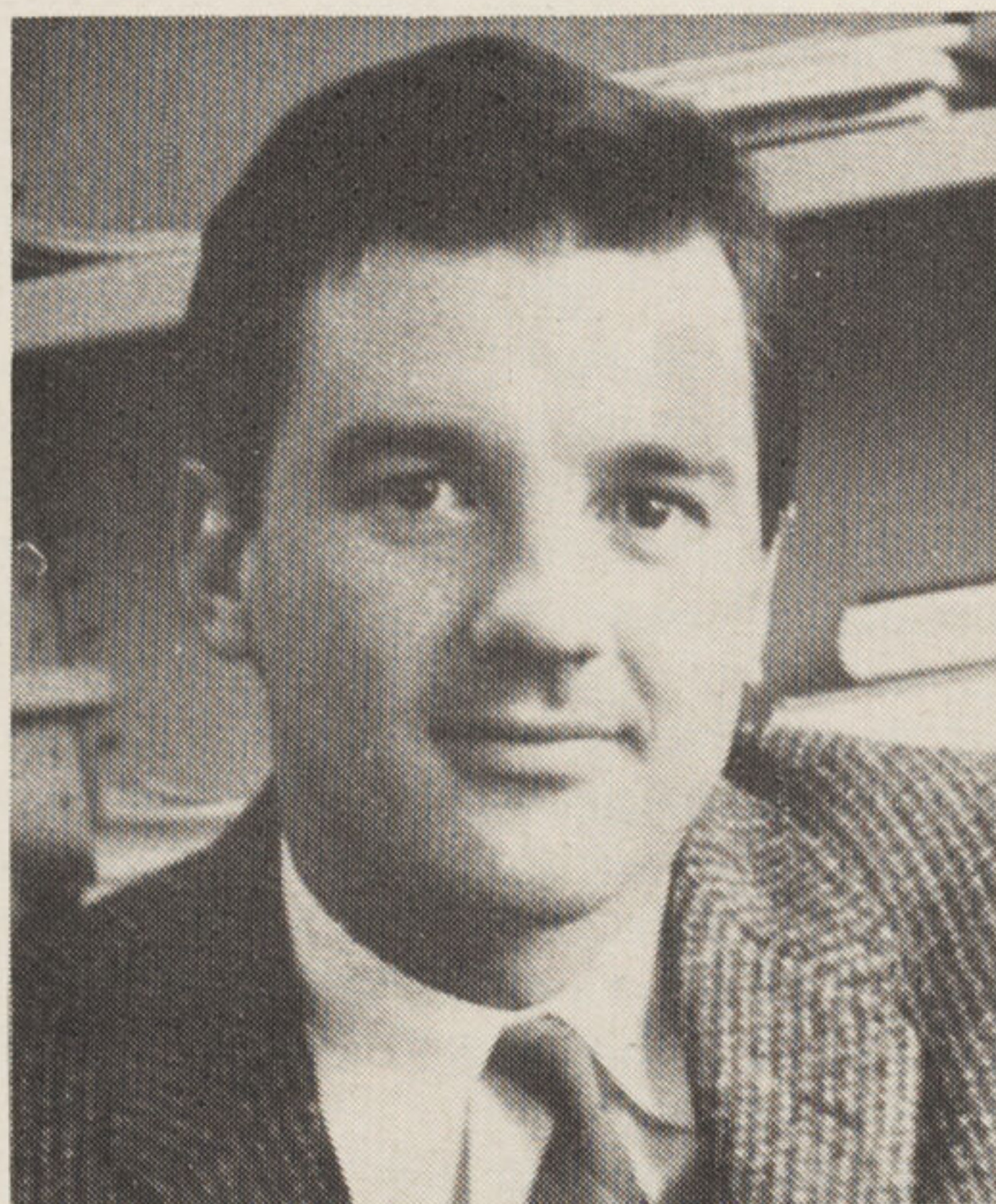
Prompted by a question on interstate tax in his second year Constitutional Law exam, Professor Bok applied for and won a Fulbright Award enabling him to do a study of Schuman Plan during the year 1954-55. While in Paris, he met and married Sissela Ann Myrdal, daughter of the Swedish Economist and native of Stockholm. At the close of his year abroad, his monograph, "The First Three Years of the Schuman Plan," was published as one of Princeton University's Studies in International Finance.

Upon his return to the United States, Professor Bok became Assistant to the General Counsel, Office of the Secretary of the Army, and later was Assistant Staff Advocate for the Headquarters, Military District of Washington. During his service in the Pentagon, he aided in preparation of the Department of the Army position on Congressional inquiries including that by the Hennings Senate Subcommittee on Constitutional Rights and that of the Moss House Subcommittee investigating classification of government documents. He also assisted in analysis of the appropriate role and mission of the Army as regarded division of functions between it and the other services. During the latter part of his military service, Professor Bok participated as trial and defense counsel in a number of general courts-martial.

Pressed to compare teaching with his former duties, Professor Bok observed that such a comparison was very difficult. "While in the Pentagon, I found a leading problem to be that of effectively representing the Army Secretariat in conferences with older men of higher military status. Nothing exactly comparable occurs in teaching. Also, in most of my Pentagon assignments, there was

a minimum use of 'law' and a maximum analysis of the practical effects and political implications of various solutions. Teaching does not test the same faculties in quite the same way."

Professor Bok, who received a Master of Arts degree in Economics at George Washington University while he was with the Department of the Army, was asked his evaluation of the importance of the study of economics in the fields of Antitrust and Labor Law. He remarked that economics plays a



minor role in Labor Law, "but is more important in Antitrust where there seems to be increasing use of economic research and analysis in the presentation of cases." He cited the *Dupont* cellophane case and proceedings brought under Section 7 of the Clayton Act as examples. "If anyone specializing in antitrust should find enough spare time to study economics, he might well find his work rewarding in perceiving issues where economic analysis would prove helpful and in evaluating this analysis once it has been obtained."

Having studied the clarinet during his student days, Professor Bok continues to play that instrument as an occasional pastime. Although he used to take part in occasional athletic enterprises, he finds that the demands of his teaching schedule pretty much prohibit that luxury.

— Skornia

Student Research Bureau Redrafts Sex Law

The Harvard Student Legislative Research Bureau cooperated in the drafting of a major revision of the Massachusetts law dealing with care, treatment and rehabilitation of "sexually dangerous persons".

The new statute was approved by the state legislature last October and is now in operation in the state's courts. Informed sources in the state's Department of Mental Health have termed it a "substantial" improvement over the previous law.

Staff members of the Bureau were first called in to consider revisions of the law in 1957. In the fall of that year, the legislature, responding to a brutal sex murder that attracted wide attention in the Bay State, enacted a "panic" bill providing for indeterminate sentences for sex offenders and putting into immediate operation an earlier law which was originally to be effective only on completion of a special psychiatric treatment center.

Because this law was not wholly satisfactory, Representative Carter Lee contacted the Bureau and asked that it recommend revisions. Work was undertaken, and the Bureau drafted House Bill No. 2317 (1958) as a partial solution. This bill was not passed.

In 1958 the present law was drafted with the cooperation of

many interested agencies of the state — primarily the Commissioner of Mental Health — and the Bureau. Much of the actual drafting was done by the Bureau with Jack B. Helitzer LL.B. '58 in charge.

The general outline of both the old and the new law is the same. Treatment centers are set up for "sexually dangerous persons" (a term used only in the new act). Two classes of people may be committed to the center: (1) Those who have been convicted of certain types of sex offenses. (2) Those in prison for crimes other than sex offenses but who, the authorities have reason to believe, may be "sexually dangerous persons". Commitment follows a hearing in which the person has been adjudged a "sexually dangerous person". A hearing is held only after a psychiatric report certifying the person as "sexually dangerous."

A major part of the new bill's revisions concerned the definition of "sexually dangerous persons". Some of these revisions cleared up ambiguities which may have raised constitutional difficulties and problems of administration. For instance, the old law included in its definition of "sex offender" (a term used only in that law) a requirement that evidence of "a general lack of power to control . . . sexual

impulses" be shown. The new law defines this trait more precisely. In order for it to be shown there must be evidence of "repetitive or compulsive behavior and either violence, or aggression by an adult against a victim under the age of sixteen years".

Also, under the old law, in order to be a "sex offender," a person had to be "likely to attack or otherwise inflict injury, degradation, pain or other evil on the objects of

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his uncontrolled or uncontrollable desires". The new law strikes the ambiguous phrases "degradation, pain or other evil" and requires only that the person be "likely to attack or otherwise inflict injury" on other persons.

In one respect the new definition is designed to give more protection to the public. Under the old law a person could not be a "sex offender" unless he had shown "a course of misconduct in sexual matters". In fact not all such persons who menace the public will show a "course of misconduct". The new law requires only "misconduct in sexual matters". Thus it covers the person who has acted only once but who is dangerous to the public because he may act again.

Although the definition has been broadened to cover persons who should have been but were not covered by the old act, it has also been narrowed to eliminate persons who, although sexual deviates, are not serious menaces to society. The new law requires that a person must have evidenced his sexual abnormality either by violence or, being an adult, by aggression against a victim under sixteen. Under the old law neither of these evidences were necessary. The rea-

son for this change was mainly administrative; the state does not have enough facilities to care for those who need treatment.

The new statute clears up technical difficulties which plagued many sections of the old law. An example of this is the section of the law which provides for the examination (to determine whether he is a "sexually dangerous person") of a person convicted of a sex offense. The old law did not define sexual offenses which would give rise to examinations in the same terms as other Massachusetts statutes. The new law clears this up by correlating the definitions.

Another example of technical reworking is the dropping of the term "sex offender" which was used in the old law. Under both the old and the new a man in prison for a non-sexual offense (e. g. robbery) may be detained because his prior misconduct indicates he will be a danger to society if set free. Technically he is not a "sex offender" because he has committed no "sex offense" for which he is being held.

The new law makes the provisions for sentencing, commitment, and release of "sexually dangerous persons" more in accord with the theory behind the act. Under the old law, after a person was convicted of a sex offense, he was sentenced for the crime. Then he could be committed for treatment for his sexual maladjustment. If the treatment center determined

he was cured before his sentence had run, the person was sent back to prison to finish his original sentence. Thus, a person who was recognized as being sick and in need of treatment rather than punishment, and therefore not wholly responsible for his acts, was returned to prison after he was cured.

Under the new law the judge, instead of sentencing the "sexually dangerous person", commits him for treatment in lieu of sentence. Thus, when he is released from the treatment center as cured he returns to the outside world. Also, a convicted person may be put on probation or given a conditional release, if the Department of Mental Health determines he is not dangerous and will respond to outpatient treatment.

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Letters

To the Editor:

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David Riesman Re-examines Importance of Individual

David Riesman, LL.B. m.c.l. '34, author of *The Lonely Crowd*, suggests that we take a new look at "the importance of the individual in setting a model for the character of a group."

Riesman, who is the Henry Ford II Professor of Social Sciences at Harvard University, said:

"We are only beginning to understand the power of individuals to shape their own character by their selection among models and experiences. I can envisage a world in which we shall become more different from each other than ever before."

Professor Riesman's views appear in the winter issue of the *Harvard Library Bulletin*, just published. His article, "The Study of National Character: Some Observations on the American Case," is based on the lecture he gave at Harvard inaugurating the new Henry Ford II Professorship which he holds. The professorship was established to contribute specifically to the intellectual life of undergraduates in Harvard College.

"The American of today and his ancestor of a hundred years ago are much alike if we range them for example against the South American, the Asian or the African," he said, in discussing recent studies of American national character.

"But if we concentrate on the differences, I think we find import-

ant ones both in outlook and in situation. The American of the nineteenth century was, I suggest, oriented towards people because his attitude was exploitative, or if a woman, receptive: whereas the upper-middle class educated American of today tends increasingly to be oriented towards people, not because he wants something specific of them, but because he wants direction, resonance, response. If this be exploitation, it is of a very intangible sort, like that of roommates who take turns in discussing their problems and love affairs with each other.

"There has been a general tendency, facilitated by education, by mobility, by the mass media, towards an enlargement of the circles of empathy beyond one's clan, beyond even one's class, sometimes beyond one's country as well. That is, there is not only a greater

psychological awareness of one's peers but a willingness to admit to the status of peer a wider gamut of people, whether in one's own immediate circle or vicariously through the mass media.

"The problem for people in America today is other people. The social and psychological landscape has been broadened in a sense because those other people are more in number and possibly in heterogeneity than ever before. But other

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figures in the landscape — nature itself, the cosmos, the Deity — have retreated to the background or disappeared, with the result that aspects of character that were always in some sense 'there' or available become more salient, and other aspects recede."

Professor Riesman also observed, "I can imagine a future, however, in which we shall begin to worry less about the specifically American identity and the American character — a worry that among other things exhibits on the international scene feelings of rivalry and even inferiority engendered by domestic conditions. And in that case we shall begin asking whether nations are the most appropriate boundaries for investigating what it is that social groups have in common. It is in some ways convenient and it is certainly topical to do research on 'the' Americans or 'the' Russians, but a wider perspective might lead us to highlight, for example, the possible similarities in character structure of Russian and American managers and technicians, or in the character of factory workers in Australia, Sweden, and the United States.

"Let me make clear that I am not recommending here the planetary perspectives of the classicist. It would be premature to say that nations are no longer important, when they have the power of life and death over us all; and when, since social character is the legacy of history, there will remain for a long time differences in national character just as great as differences in character arising from occupation and class. It is only the fantasy of a 'brave new world' that there is no national character but only a group character, conditioned in the laboratory to order and to be ordered, and where a relic of individualism and parochialism is merely the result of an oversight.

"Still, as we all know, fantasies when believed in sometimes have a way of making themselves come true. Social science today is increasingly feared as a hidden persuader or manipulator of men, while a generation ago it was primarily

admired as a liberator. The study of national character, as of other motivational patterns, can be put to manipulative use, to be sure; the best defense against this that I can see is inoculation by greater knowledge.

"Moreover, it is no longer possible for people, especially in this country, to remain unselfconscious about personal and group identity; and it is not desirable, for I believe that such knowledge, as well as knowledge of social science in general, can still be liberating."

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