



Harvard Law Record

Harvard Law School Fund Meets

Forum Features Creatures

Governor Furcolo and Ham Sandwiches



Venerable Man of the Law

Alumnik Poetry

Harvard Law Record

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CALENDAR

Friday, November 13

Jerome S. Rubin, a New York attorney will address the STUDENT BAR ASSOCIATION in the Wheeler Room at 1:40 p.m. His subject will be "Admiralty Law in the Atomic Age."

Sunday, November 15

Dr. Edward Teller, professor of physics at the University of California will speak on "Atoms for Peace" at the FORD HALL FORUM. The event will take place in Jordan Hall at 8 p.m.

Tuesday, November 17

The SAINT THOMAS MORE SOCIETY will present Father Tierney of the Marriage Tribunal of the Archdiocese of Boston, who will lead a discussion on "Divorce Laws and the Catholic Lawyer" at 8 p.m. in the Associated Harvard Clubs Room, Holmes Hall.

Wednesday, November 18

Dr. Leo J. Cass, head of the Law School Health Service will discuss the obstetrical services available to students' wives and the possibility of a pediatric clinic at a meeting of the HARVARD LAW WIVES. The meeting will be in Harkness Commons at 7:30 p.m.

Weekend

Entertainment

CAMBRIDGE

BRATTLE — My Uncle — 3:30
(Sat), 5:30, 7:30, 9:30

UNIVERSITY — Compulsion —
1:45, 5:40, 9:30; The Five Pennies — 3:25, 7:30

BOSTON

BEACON HILL — The Third Man
on the Mountain — 11:55, 2:15,
4:40, 7

EXETER — The Mouse that Roared
— 2:25, 4:10, 6:00, 7:45, 9:35

GARY — Big Fisherman — 10,
1:15, 4:15, 8:30

SAXON — Career — 10, 12, 2, 4,
6, 8, 10

TELEPIX — Mon Petit — 11:30,
1:30, 3:30, 5:50, 7:30, 9:30

UPTOWN — But Not for Me —
1:25, 5:45, 10:05; Nun's Story
— 11, 3:20, 7:40



The fund raisers came in out of the rain

Harvard Law School Fund Meets

One hundred and twelve members of the Harvard Law School Fund assembled in the Pound Room of Langdell Hall last Saturday. At the tenth annual meeting, National Chairman Stuart W. Scott, LL.B. '30, reported that last year was a record gift year and predicted an even greater alumni response in 1959-60.

Alumni and friends contributed \$483,395 last year. The *Harvard Law School Bulletin*, Vol. 11 No. 1, October, 1959, was devoted exclusively to a report on the success of the Fund.

Dean Erwin N. Griswold greeted Fund representatives, most of whom were either area or class chairmen, with the news that the United States Supreme Court had upheld the injunction against continuation of the steel strike. "Let's turn now to more serious and important matters," said the Dean.

Mr. Griswold emphasized that the Fund has been important to both legal education in gen-

eral and to this school in particular. He illustrated the former point with Michigan Law Dean Stason's recent expression of thanks to him and to the Fund for pointing the way to organized alumni support to legal education.

The Fund has begun to change the "deplorable fact" that legal education operates on a shoestring and has been the step-child of the educational process.

The Fund's two great accomplishments for the Harvard Law School were called the "tangibles and the intangibles." Those things the alumni could see were a series of useful, if not major, construction projects, such as the Roscoe Pound Room, the library work space, the Ames Court Room, and what the Dean rather fondly called Griswold's Gully, the tunnel.

He explained that the new International Legal Studies Building had not involved Fund money, except for the staff lunch room which was equipped by Fund money.

The most important Fund accomplishment is an intangible one, the erection of a financial aids program, said the Dean. The old scholarship system has been replaced with an aids plan for which 95 percent of the upper classmen are scholastically eligible. Mr. Griswold referred the alumni to Vice Dean Louis A. Toepfer's article on this problem in the *Bulletin* of April, 1959.

The Dean called the aids program necessary to maintain the competition and national character of the student body. "We could very easily have only students from wealthy families on the East Coast. We love wealthy families, but we also want to be a magnet attracting able young men from all over the country," the Dean asserted. "With this program, we make it clear to them that the financial road will present some problems, but they will receive some help along the way," he added.

"One thing is distressing. We never have done really well with the extraordinary gift. Nobody ever gives us a half-million dollars!" lamented Dean Griswold. The Dean was half in jest and all in earnest as he compared the Cook, Sterling, and Cromwell gifts to Michigan, Yale, and Columbia. N.Y.U. and Cornell are other law schools with large funds which have started to bid for promising students.

The Dean defended two Harvard principles, the means test for scholarships and the steadfast refusal to bid for students. He stressed the role of alumni support as a means to hold costs down for the students who are increasingly attracted to the very good and inexpensive local law schools.

Representatives at the Fund attended the Harvard-Princeton game and a faculty supper after their business was completed.

— Hotvedt

Legislative Researchers Announced

The Student Legislative Research Bureau has accepted nineteen second-year students as members this year: Harvey P. Dale, Great Neck, N.Y.; Peter M. Fass, Brooklyn, N.Y.; Adria E. Goodkin, Paterson, N. J.; Gerald Gornish, Philadelphia, Penn.; Joseph A. Grimes, Jr., Providence, R. I.; Robert T. Hanlon, Maplewood, Mo.; Harvey B. Jacobson, Jr., Washington, D. C.; Donald F. Johnston, Jr., Pelham Manor, N. Y.; Herbert F. Kahler, Alexandria, Va.; Thomas R. Kellogg, Haverford, Penn.; Anthony M. Kennedy, Sacramento, Calif.; Charles Kinnaird, Indianapolis, Ind.; Roderick D. McNeil, Oakland, Calif.; Myron R. Nadler, Brooklyn, N. Y.; Andrew L. Nichols, Wellesley, Mass.; David G. Ormsby, Waterford, N. Y.; Curt Owen, Los Angeles, Calif.; Thomas A. Skornia, West

Chicago, Ill.; John K. P. Stone III, Marblehead, Mass.

Each year the Bureau undertakes research and drafting projects for a number of specific items of proposed legislation on behalf of legislators, bar association committees, and law revision committees. This year the projects include: facilitating suits against the United States; revisions of adoption laws; regulation of unethical business practises; state service of process; and a state code of ethics for government employees.

South Rises Again

A Confederate Rally will be held this Saturday, November 14 at the Brown Derby, it was announced by S. Booker Carter, Jr., 3L of Martinsville, Va., President of the Harvard Law School Southern Club. Members of the Law and Business School columns and their guests are invited to converge on the 1358 Boylston Street address (near Kenmore Square) at 4:30 p.m. for two hours of hoopla and mixing. An appropriate combo will throb in the background and sour mash will run full. Participants finance their own drinks; U.S. silver certificates and reserve notes accepted. S. Buckley Buckner of Sunflower County, Mississippi will read a paper on the allocation of functions in a balanced system entitled "Anatomy of Legislation."

Harvard Law Wives In Semi-Formals

On November 28 the Harvard Law Wives will hold their annual Barrister's Ball in the Meeting Room of Harkness Commons from 8:00 to 12:00 p.m. Dress is semi-formal. Tickets will be on sale at the door, at the reception desk in Langdell Hall, and during the week preceding the dance at Harkness Commons from 12:30 to 1:30 p.m. The Ken McIntyre Quartet will provide the music and entertain with a jazz concert.

Public Works and Ham Sandwiches

Deftly fielding questions tossed at him by some of the 200 members of the Law & Graduate Schools Democratic Club at Harkness Commons last week, Governor Foster Furcolo turned in an informal, folksy performance which often elicited appreciative laughter from his audience. Obviously enjoying himself, the Governor continued answering questions from the floor even when aides began eyeing their watches nervously because of the Governor's tight schedule.

Although many of his best comments were off the record, there was no doubt that his audience enjoyed the Governor's answers to such delicate questions as, "How do you like Carmine DeSapio?" and "What do you think the upset victory of Mayor-elect Collins will do to Senator Kennedy?"

The Governor indicated that he was still undecided about whether to run for U. S. Senator or try for another term as Governor of Massachusetts.

Governor Furcolo made a point of the difficulties of practical political life, as opposed to theory. He brought a laugh by commenting: "Sometimes I get in trouble because I appoint well-qualified Republicans even though they lack the intellectual maturity to join the Democratic Party." "Some people," the Governor commented wryly, "will vote against every program I've got just because they've been disappointed on appointments."

Good Fellas

Raising a civil liberties issue stressed in Stevenson's 1956 campaign, the Governor implied that some Boston newspapers were less than objective in their treatment of facts where Democrats are concerned. "The working press are good fellas," the Governor commented to the scattered applause of one or two reporters in his audience, "but you can't always blame them for what finally appears. A certain kind of newspaper opposes me even when I accomplish what the paper wants. Boston, Massachusetts, and most

states need new Democratic newspapers," the Governor stated flatly.

Defending the Commonwealth's Department of Public Works and its head, Anthony DiNatale, the Governor claimed DiNatale had done such a good job in developing efficient procedures that other states were copying Massachusetts. The Governor admitted that there might be some things



The Governor

which the DPW had done wrong, but maintained that this was inevitable in any large-scale enterprise — public or private. Much of the criticism leveled against DiNatale, the Governor suggested, was due to deliberate exploitation of the public's natural lack of understanding of the complex technical and organizational problems incident to vast construction projects. Some criticism the Governor rejected out of hand, citing the alleged DPW stockpiling of 3,700 lawnmowers which

finally turned out to be only 37. Further, many people demand crash construction programs, the Governor noted, but then criticize the higher cost of the very crash programs they insist upon.

Emphasizing his respect for professors and intellectuals, Governor Furcolo tempered his encomium by suggesting: "It's very easy to

have ethics when you're not hungry." He then proceeded to describe the charms of the G & G delicatessen in the Blue Hills (14th) District, where Democrats can not only witness one of the best political rallies in Boston, but also get a fine ham sandwich.

— Camp

Dean Pound Analyzes Labor Law

Roscoe Pound, University Professor Emeritus and retired Dean of the Law School, spoke to the Law & Graduate School Young Republican Club on the subject, "Public Service and Labor Unions." Introduced to the Young Republican Club by its president, William C. Ives, 3L of Aledo, Ill., Dean Pound spoke in a crowded Mallory Smith Room on Wednesday, November 4. His theme was "Labor: 1960."

He noted first the highly-improved position of the worker today when contrasted with his position when the Dean was a student. "His situation was *bad* in the old days," said the Dean. "Theoretically the worker had rights, but practically he had few." At first, jobs were common, as there were more jobs than men to do them, but with the development of modern industry the man who depended upon daily work for his livelihood was in an inferior position. This predicament gave rise to the labor union, as the worker sought to achieve a bargaining position more equal to that of his employer.

Just as the law had to grow in other fields, so it had to grow to take care of the worker. This development, however, has not been without its difficulties. Dean Pound analyzed the problem as one of adjusting the rights of the worker and the monopoly of the union in the new relationship with the employer. "The real difficulty is this: The labor union claims the rights that belong to the individual, but the individual does not have immunities. At the same time, the union has a monopoly, so it should have corresponding duties."

One of the great principles of the common law had always been that whenever a man has a monopoly, he has a duty to the public correlative with that monopoly, according to Dean Pound. He gave as examples of this, those men who operated ferries or wharves.

Such individuals had monopolies and had duties to perform a public service. In a like manner, the operators of grain elevators in Chicago in the nineteenth century could not be irresponsible in setting their rates for storage charges. Economic monopoly meant a duty to the public.

An individual worker rightly claims the right not to work. The union now claims the same right. But the union has a monopoly. Thus we are presented with the problem of enforcing the duty of the union without abridging the right of the individual worker. If the union does have a duty to the public to refrain from stopping work to the detriment of the public, the individual worker does not have that duty. With the enforcement of the union's duty, the worker has the alternative of giving up his right not to work, or of getting out of the union. The latter alternative is not likely to be feasible, since his opportunity to get other work will usually be small. Also, the union may make things difficult for the worker who leaves.

In this situation, what is one to do? Dean Pound remarked that the fashionable thing is to run to the legislature. But much legislation is nothing but preaching, and most likely the only one hurt by legislation will be the public. The Dean also recalled that he had been met by the politician's remark that, "You have to look out for the boys," when the Dean looked to that part of our government for help some years ago.

Noting that if you hurt the public hard enough, long enough, they'll do something, Dean Pound said he wanted no special legal treatment for special problems. In answer to a question, he stated emphatically that he would, "let principles of right and justice operate in the natural way."

— Winslow

Forum Features Creatures



You know what I'd like!!!

© Walt Kelly

Walt ("King Maker") Kelly and Al Capp will be featured by the Law School Forum in a mock Republican convention to be held Friday, Nov. 13, at 8 p.m. at the Lowell (New) Lecture Hall. Chairman will be Prof. Richard H. Field of the Law School. Though Vice-president Richard Nixon and Governor Nelson Rockefeller of New York will be the official nominees, deep rumblings have been heard emanating from the swamps; and a political rally, sponsored by a newly-formed student organization called "Students For Okefenokee," has been called for 8 p.m. at the corner of Oxford and Kirkland Streets. It should be fried shmoos.

— Churchy La Femme

DOGPATCH, U.S.A. Special to the Record — Mammy Yokum, one of the leading socialites of this area and one known throughout the Ozarks for her corn-mash soirees, disclosed to this reporter that she plans to invade the Cambridge social scene tomorrow night. Madame Yokum stated in an exclusive interview that her entire staff, including Moon-beam McSwine, Injun Joe, and Marryin' Sam will accompany her. Injun Joe has agreed to mix a special batch of Kickapoo Joy Juice just for the occasion and the canapes are to be exclusively of steamed schmoo.

The party's guest of honor will be the victor of the Presidential nominating convention, which is scheduled for tomorrow night. Madame Yokum told us that she has also issued invitations to the contingent from the Okefenokee Swamp who are Dogpatch's opposing bloc. There have been reports of deep resentment from that set because of Madame Yokum's ruling that one of the leaders, Albert the Alligator will not be admitted unless he checks his cigar at the door. However, we are sure such minor difficulties will be ironed out at caucus level and the affair will be a gala one.

Berman Defends English Sleuth

Arthur Conan Doyle fans have yet another adventure which may be added to the existing Sherlock Holmes lore. The suggested title is the *Second Adventure of the Red Circle*. Professor Harold J. Berman of the Law School has donned the cloak and pipe of the master detective and participated in a most



Professor Berman

fascinating case, which he related to the Harvard Law Wives.

It all began in the spring of 1957 at a cocktail party in Geneva, Switzerland where chance arranged the meeting of Professor Berman and Adrian Conan Doyle, the descendant of Holmes' and Watson's creator. Above the chatter and clink of cocktail party noises Adrian Doyle overheard Professor Berman speaking of his forthcoming trip to Russia to confer with various Soviet lawyers. Adrian Doyle approached and was introduced. It seems for years that he, representing the estate of Sir Arthur Conan Doyle, had been having fruitless correspondence with lawyers in Moscow through whom he had been trying to receive royalty payments for the five million copies of Sherlock Holmes stories which had been sold in Russia. As yet the estate had not received a single kopek. When Pro-

fessor Berman was asked for advice he half jokingly replied, "Why not sue them?" Mr. Doyle was most seriously interested and asked on what grounds. Mr. Berman's answer was, "For unjust enrichment" (for the benefit of the Law Wives it was explained that when a lawyer can't think of any other reason to sue, unjust enrichment is good for a starter).

From this cocktail conversation Professor Berman began to evolve a case which might be presented to the Russian courts in hopes of obtaining some recovery for the Sir Arthur Conan Doyle estate. Book piracy has a long history and the United States has not been free of blame, remembering that Dickens was at one time published here without a thought of royalty payment.

State Toilers

However, at present, every country but the USSR and Red China is involved in a copyright agreement. The USSR does not recognize authors as being private entrepreneurs which is the case in America but regards them as toilers for the State. The Soviet publishing houses are owned by the State. However, there is considerable profit made by these publishing firms and the heads of these firms receive their share of the profits affording them large cars, town and country homes, and pleasant vacation trips.

Without challenging the principle that no right to royalties exists under Russian law, Professor Berman based his case on the right to restitution of a portion of the profit. In the fall of 1958 after more than a year of groundwork, a formal complaint was sent to a lawyer in Moscow with whom Professor Berman had been in contact, for presentation to the court.

In September of 1958 Professor Berman arrived in Moscow to undertake the presentation of his case to the Moscow City Court which had accepted the complaint, a positive step in itself since the court did not have to admit the case. At the time the court took great pains to protect the plaintiff's procedural rights which was fair warning that the case could be lost on substantive grounds.

In January of 1959 the court discussed the case and decided there was no cause of action but gave the plaintiff the right to appeal. Finally, in August Professor Berman in a one and a half hour oral argument, delivered in Russian, presented his case before the Supreme Court. The woman lawyer acting for the defendant based her case on the fact there was no violation of law, which was completely beside the point of the plaintiff's plea for restitution of a portion of the profit. In passing, the chief judge said he had not thought it necessary to invite the defendants to appear. After hearing the case, the three judges adjourned for a lengthy time and

returned to deliver a verdict in favor of the defendant.

To answer those who question the bringing of a suit when there is no apparent hope of winning the case, Professor Berman expressed the view that in the struggle for law and right, each person has a duty to fight for the right whether or not it appears hopeless. At present the copyright law has no real approach in the USSR because they simply do not recognize it. There have been some cases of payment to foreign authors without any stated reason or particular attention to the requested sum.

— Marilyn Pfaltz

Law Escort for Russian Experimenters

Law students played host to sixteen Russian "students" last week. Zona Mae Fairbanks, 3L of Richmond, Va. and Maurice Katz, 2L of Rockville Centre, N.Y. rejoined old associates from the *Experiment in International Living* to guide the visitors about Boston. The Russians were some of twenty-four exchanged for seventy-two Americans in a program blessed by the two governments and conducted jointly by the *Experiment* and the *Council for Student Travel*.

Unfortunately, there were no Law School exercises included in the week-long itinerary nor were there any law students in the Russian party. They did eat lunch at Harkness Commons and attended a Dorm Council mixer. Alexander Krivopolav, a 28 year-old journalist, commented that there was no unemployment or job seeking among lawyers in the Soviet Union. He said that students were free to select a legal education if there was room for them within a quota. Stuart Robinson, Jr., 3L of Springfield, Ill., Richard Lane, 3L of Chevy Chase, Md., and Professor Harold Berman of the Law School also aided the program by entertaining the visitors at dinner parties.

Miss Fairbanks commented that the Russians were willing and prepared to discuss any topic. They were very conscious of the economic competition between our nations and predicted their eventual supremacy in the consumer goods field. They repeatedly stressed that years of war had held them back. Miss Fairbanks also observed that the Russians preferred to move as a group and

never traveled in less than pairs. They had a habit of abruptly leaving their evening's host about 9:00 p.m. and reassembling as a group to sing for any available student audience. Vladimir Fedoseyev, 27, was as skilled on the accordion as he was politically mute. The Russians harmonized with him well, presenting some of the best entertainment of the Cambridge week-end.

Mr. Katz recalls that the visitors spoke poorly of Stalin, admitting they were shocked by revelations of his regime but ascribing them to the hard circumstances of the period. A favorite boast was the Soviet drive to populate and develop the eastern lands. Any comparison with the American westward movement was rejected. Their drive is an unselfish one to build a better Russia. Ours was a movement whose motive was private ownership of land. Katz thought the group was handpicked and rather mature. The males ranged from 25 to 32 years in age. It was also his view that this exchange was a good thing even if between politically hostile countries. He thinks the visitors have the same basic desires as we do, *i.e.*, security, enough to eat, love of travel, etc. Given a high standard of living in these respects, he is sure they will respect the political integrity of the West.

Russian planning included Zinaida Kirienko, 26, an actress who said nothing in English and did not have to. She and the other Russian ladies had an opportunity to shine at a vodka-punch party given by the *Experiment* people on Tuesday evening, November 3.

— Hotvedt

Bull and Bear Hear Tips on a Portfolio

The most important factor in planning an investment portfolio is to tailor it to the individual's needs, Henry A. Loeb told a Bull and Bear audience last Friday.

Mr. Loeb, head of the investment advisor service at New York's Carl M. Loeb, Rhoades & Co., said income needs, insurance potential, cash needs, and age of family are some of the major factors taken into account in making up a portfolio.

The speaker gave two polar examples of planning a portfolio. On one hand, there is the elderly widow with no other income, whose portfolio would consist of a high proportion of corporate or government bonds. On the other hand, there is a high-salaried executive whose income needs from investments are very small and who wishes to leave his family in comfortable circumstances at his death. His portfolio would consist of stocks chosen for long-term growth possibilities.

In picking individual stocks Mr. Loeb said that professional advisors use three principal criteria: the company's past history, its present management, and likelihood of continuing future demand for the company's goods or services.

Diversification is important, the speaker continued, to act as a hedge against the dangers of an often unpredictable decline in limited areas of the economy. In the response to a question, the speaker concluded that an investment fund can be a good buy for the small investor as a means of achieving diver-

sification protection even with limited funds.

In selecting a stock, a good idea usually is to buy a good name and stick with it, Mr. Loeb said. But he also advocated frequent review of the portfolio holdings. Mr. Loeb cited technological advances and changes in consumer tastes as potent forces which can radically downgrade a company or even an entire industry.

The speaker is a graduate of Princeton University and the Harvard Law School, LL.B. '32. He practiced law for 6 years before turning to a career in investments.

Ames Semi-finals Next Tuesday

On next Tuesday, November 17th, at 8:00 p.m., the first Ames Semi-Final argument will be held in the James Barr Ames Courtroom. Faculty, students and wives are welcome.

The case to be argued tests the validity of a municipal ordinance severely limiting the use of outdoor signs and billboards in a medium-sized community.

The Honorable Arthur E. Whittemore of the Massachusetts Supreme Judicial Court will sit as Chief Justice. The Associate Justices will be the Honorable Francis J. Good of the Massachusetts Superior Court and Lawrence A. Sullivan, Esquire, of Foley, Hoag and Eliot of Boston. The Holmes Club and the Root Equity Club are the participants.

Oralists for the Holmes Club are William R. Aikens, Birmingham, Mich. and Richard G. Bell, Bethel, Conn. Counsel on the brief are John B. Austin, Barnstable, Mass.; Robert C. Bickford, Ardsley-on-Hudson, N.Y.; Thomas A. Hopkins, Hudson, Ohio; Thomas P. Perkins, III, Baltimore, Md.; Jonathan G. Wells, III, Chadds Ford, Pa.; and Lawrence K. Wroth, Providence, R.I.

Oralists for the Root Equity Club are Louis F. Haeberle, III, Minneapolis, Minn. and John R. Stahr, Reno, Nevada. On the brief are Myron D. Cohen, Brighton, Mass.; John G. Milano, Irvington, N.J.; Arthur J. Morburger, Owensboro, Ky.; Robert E. Shapiro, Newton Centre, Mass.; Richard L. Slater, Athens, Ohio; and John G. Van Dusen, Maplewood, N.J.

Mimeographed copies of the Record and Briefs are available at the Library desk in Langdell Hall. Printed copies will be distributed the day of the argument.

Alumni Notes

LL.M. '57 — John M. Gradwohl is a new member of the Faculty at the Law School, University of Minnesota. He has the rank of Associate Professor, and this year will be teaching Corporations, Agency, and Modern Social Legislation.

LL.B. '04 — Gilbert H. Montague was awarded the honorary degree Doctor of Laws by Colby College at commencement last June. Mr. Montague also holds honorary degrees from the University of Michigan, Kenyon College, Springfield College, and American International College.

Polish Delegate Says

Non-recognition's Effect Declining

"Today we are facing the waning importance of recognition. Non-recognition no longer produces the effects it had in the past — in fact it even produces contrary results." These remarks by Professor Manfred Lachs, a Polish delegate to the United Nations, characterized the main point of an address presented before a general meeting of the International Law Club last Friday night in the Pound Room.

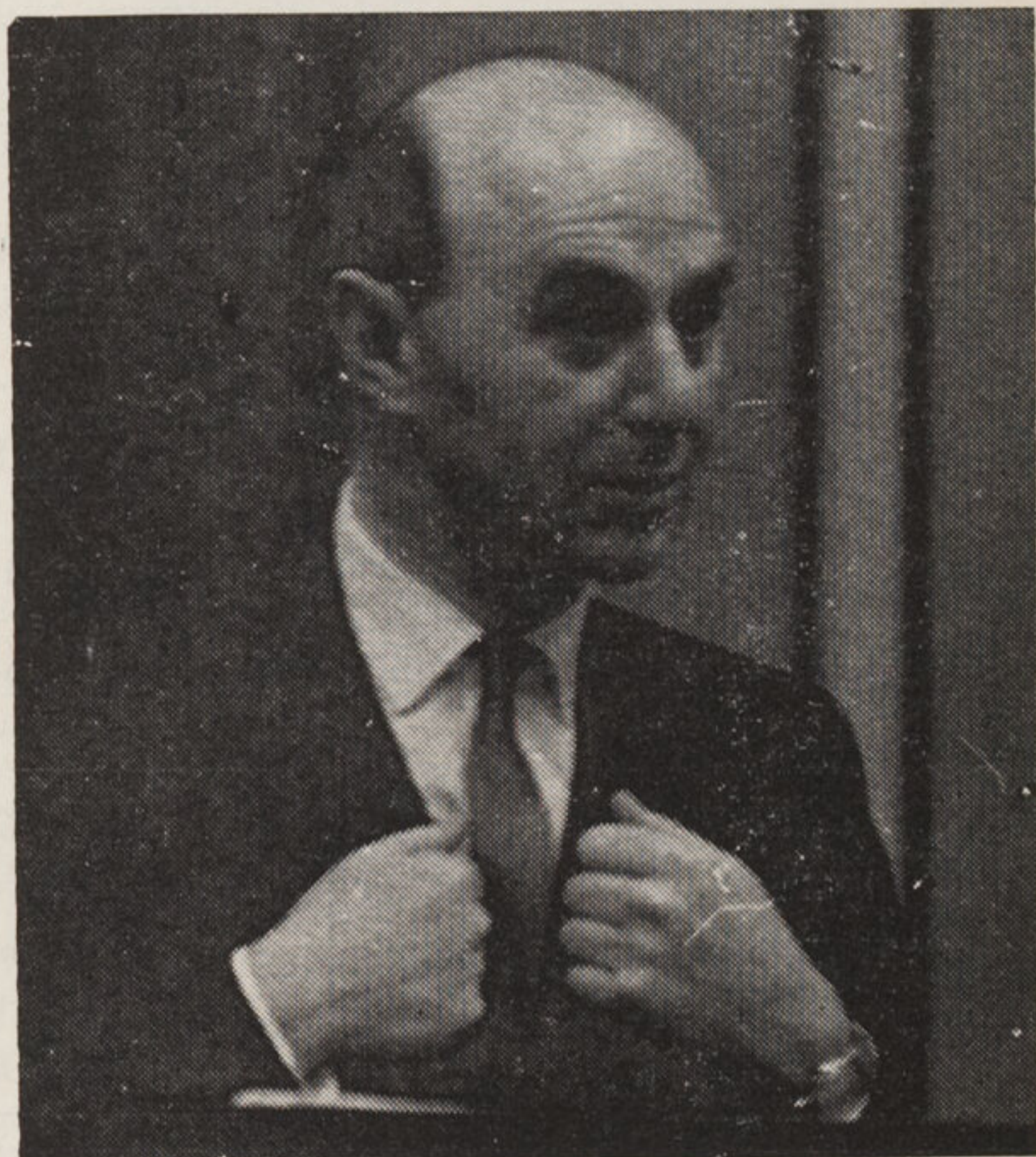
Professor Louis B. Sohn of the Law School introduced Professor Lachs of the University of Warsaw as a former chairman of the Legal Commission of the U.N., a practicing lawyer in the international field, an author of many writings, and legal advisor to the Foreign Ministry of Poland. Announcing his topic as "Problems of Recognition," Professor Lachs, relying heavily on his notes, launched into an analysis of the changing role of recognition in international relations. Noting as significant the growth of multilateral treaty-making, the speaker presented numerous instances of contacts fostered by these treaties between states not recognizing each other formally. The Soviet Union's participation in many international gatherings before being recognized by many of the attending nations was cited as an example. Professor Lachs asserted "there are no general principles of action towards unrecognized countries" and furthermore that "membership in international organizations is not necessarily conditioned by recognition." To support the latter statement, the professor referred to the League of Nations and the United Nations where the test of universal recognition does not apply to admission. "The inevitable result of this, and of multilateral treaties is cooperation in many fields." The delegate from Poland pointed out that in the process of implementation of these treaties the member nations have often exceeded limits imposed by lack of recognition.

Professor Lachs cited the following figures to illustrate his contentions:

Years	Multilateral Treaties
1864-1899	133
1920-1937	550
1945-1955	576

In addition the Club was told:

1 — Between 1826-1899 there were 133 international conferences. There are now about twenty per year.



Professor Lachs

2 — The Postal Union has grown from 22 signatories in 1874 to a present-day total of 96.

"It is from this background," Professor Lachs asserted, "that international recognition should now be viewed." However, he reminded his audience that in the past as well as now international recognition is dominated by political considerations not theoretical aspects.

Describing the institutions of international law as being "reflexes of history," Professor Lachs argued that in the long run institutions of recognition will have to be shaped by the growing trend towards mutual understanding.

In a spirited, but scholarly question and answer period which followed the talk, several club members attempted to elicit comment from the speaker regarding his topic and Communist China. However Professor Lachs skillfully and firmly declined to discuss what he termed "political matters." Among the Law School professors present was Professor Richard Baxter who queried the speaker as to the possibility in the future of recognition being accomplished by the collective act of an international organization.

— Amitay

Dorm Dances Slated

Two informal Saturday night dances will be staged in November by the Dormitory Council Social Committee. The dates are November 14 and November 21.

The dances run from 8 p.m. to midnight in the Harkness meeting room. Music is

supplied by George Graham's orchestra and set-ups are provided at nominal cost.

Admission for law students and their wives or dates is by Social Activities Card. Couples accompanying law students are admitted by Guest Card. These cards may be obtained from Dormitory Council representatives or at the door on the evening of the dance.

International Law Club Elects Executive Delegates

Three graduate and three undergraduate students were elected Delegates to the Executive Committee of the International Law Club at the Clubs first general meeting of the year last Friday Night.

The graduate students elected were George Abi-Saab of Cairo, Egypt; Idowu O. Agoro of Lagos, Nigeria; and Woonsang Choi of Seoul, Korea. Having amassed the greatest number of votes, Mr. Abi-Saab will also serve as Graduate Vice-chairman of the Club.

The undergraduates elected were Charles H. Baron, 2L of Philadelphia, Pa.; Stuart Robinson, 3L of Springfield, Ill.; and Arthur Rovine, 2L of Philadelphia, Pa.

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FEATURES SECTION

Venerable Man of the Law

This year marks forty years of service on the Harvard Law School faculty for Manley Ottmer Hudson, LL.B. 1910; S.J.D. 1917. In length of service Professor Hudson ranks fourth among the current faculty behind Professors Williston, Pound, and Scott. His career as a professor of law, however, goes back to 1910 when he commenced nine years of teaching at the University of Missouri Law School. Retired since 1955, Professor Hudson retains his position as Bemis Professor of International Law, Emeritus, the chair he obtained in 1923.

Research & Writing

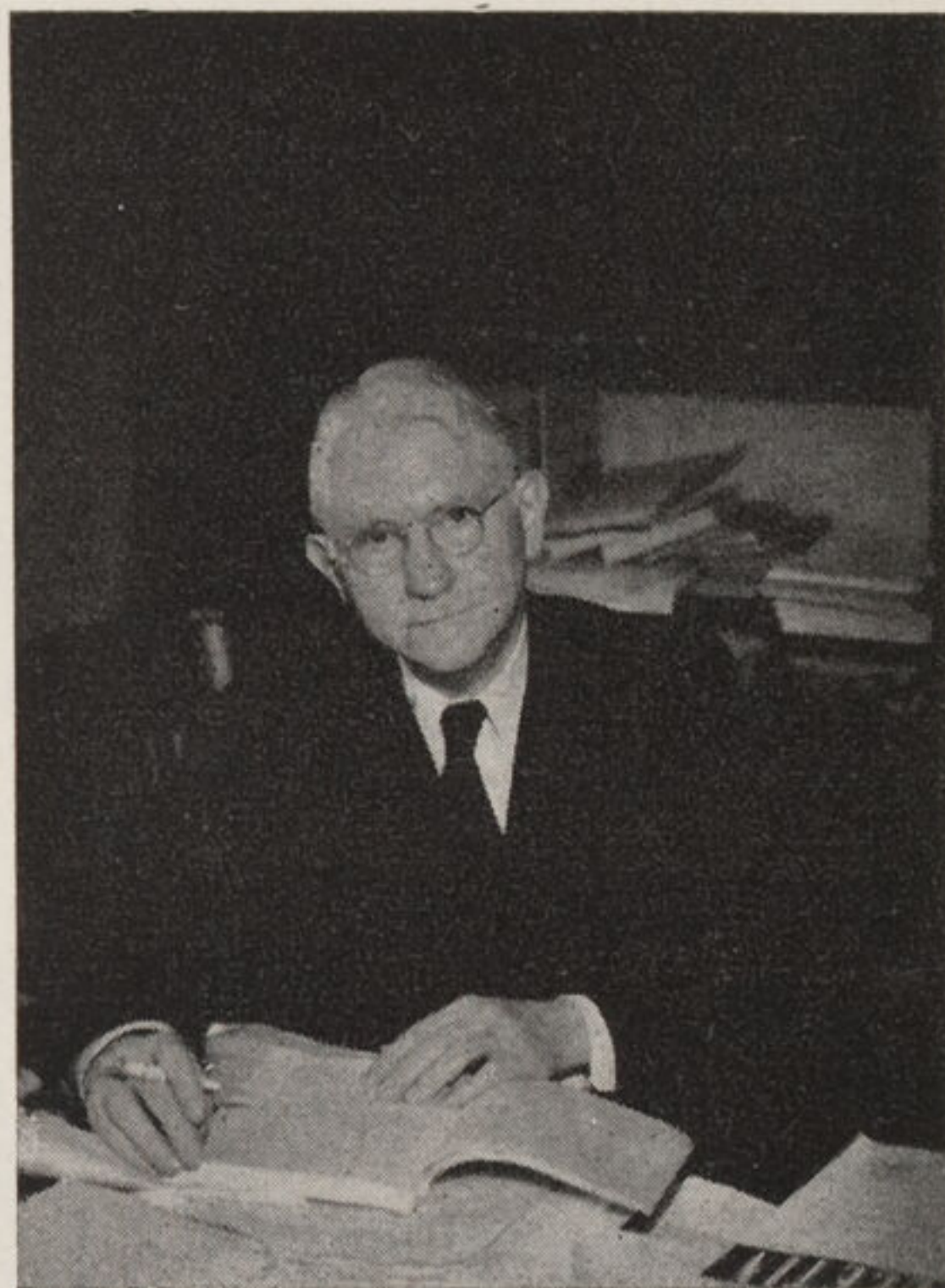
Professor Hudson's accomplishments in the field of International Law are well-known. He served on the American Commission to Negotiate Peace which met in Paris in 1918. There he was also a member of various committees and was one of the draftsmen of the treaties for the protection of minorities. During the 1920's Professor Hudson furthered the cause of international understanding by his work as a member of the Secretariat of the League of Nations. He subsequently served as a member of the United Nations International Law Commission and as legal adviser to the International Labor Conferences in 1919, 1920, and 1924.

In 1930 Professor Hudson went to The Hague as a member of the American delegation to the Conference for the Codification of International Law and in 1933, and again in 1939, he was appointed an American Member of the Permanent Court of Arbitration. In 1936 he was elected as a judge of the Permanent Court of International Justice, receiving one of the largest votes in the history of the Court. In achieving this distinction he joined a distinguished group of American judges who have served on that Court — John Bassett Moore, Charles Evans Hughes, and Frank Billings Kellogg. Judge Hudson accepted renomination to the Court in 1939, thereby professing his strong faith in the instrumentalities of international adjudication in the face of rising tides of nationalism. He served on the Court until 1946.

Following World War II, in addition to his

work in the United Nations, Professor Hudson served as President of the American Society of International Law and continued his research on problems of International Law, an interest he has maintained to this day.

His writings in the field of International Law have been numerous. Most notable of his many works are *International Legislation*, a nine-volume work which has been



Professor Emeritus Hudson

called the statute book of the world, and his *World Court Reports* which, with a standard treatise on the World Court, identify him as one of the leading students of that Court.

In the classroom Professor Hudson was noted for his insistence on very accurate wording of answers and definitions. When a word was inaccurately used he would often wave his hand and shout, "I won't have that. Won't have it at all. Won't have it in this room." He moved rapidly from case to case but, more often than in other classes, the students in his International Law class had the opportunity to participate in the discussion.

Professor Hudson was born in St. Peters, Missouri, in 1886. He was married in 1930 and has two sons, Manley O., Jr., LL.B. 1956 m.c.l., and Peter.

— McGinn

Letters to the Editor

To the Editor:

Though I read with interest the recent series of articles advocating the repeal of the Warsaw Convention Limitation, I remain unconvinced. Even the evangelical tone of this presentation failed to raise this issue to the status of an international wrong requiring correction.

Lest my motives be misunderstood, I wish to say at the inception that I do not now, nor have I ever, represented an airline. My excursions into this field of litigation have been solely on behalf of injured passengers, or, to be more accurate, the surviving relatives of former passengers.

One of the more important aspects of and reasons for the limitation of liability set forth by the Warsaw Convention is presumably to avoid the possibility of a carrier being subject to the hazard of unlimited judgments rendered by the courts of the countries in which the carriers operates, or in which an accident may have occurred. For an American airline the results of this hazard could be ruinously oppressive. All things considered, I feel that the limitation is more beneficial to American than to foreign flag lines, in that, were the restrictions removed, it is doubtful if foreign lines would be prejudicially treated in litigation filed in our courts. Whether such an equality of treatment would be accorded to American lines in all courts of the coun-

tries they traverse is open to serious question. Some of the judgments which have recently been rendered by our courts against domestic airlines have been sufficiently staggering to pose the question of what might happen if the forum of these lawsuits were in a country where the word "American" is synonymous with unlimited financial resources. In the United States the air carrier has an initially heavy burden to sustain or a handicap to overcome, in that the doctrine of *res ipsa loquitur* applies to cases involving air crashes. Despite the carrier's proof of all reasonable precautions, juries have a tendency to feel that an airplane is supposed

to fly safely and land properly, and that its failure to do so must result from some actionable wrong on the part of the airline. Due to the complexity of modern aircraft and the difficulty of ascertaining what went wrong with a plane which is scattered in small pieces over an extended area, this is an understandable attitude. It is, however, also a heavy burden on an industry that generally takes safety precautions far in excess of those observed by other modes of transportation. Nor can it seriously be argued that because of a limitation of liability respecting passengers' lawsuits that precautions will be lessened when one



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considers that every time a modern passenger aircraft leaves the ground its owners have an investment of from One to Five Million Dollars in jeopardy if any normal precautions have been overlooked.

The argument that passengers contemplating overseas flights may safeguard their net worth by adequate insurance was deprecated by the critic of the Warsaw Convention as being beside the point. It is difficult to become maudlin on behalf of a passenger who can afford to spend in excess of \$1,000.00 for air fare to Europe and who is unwilling to pay approximately \$5.00 to purchase \$50,000.00 of insurance which is valid for the entire trip, though it extends over a period of weeks or months. While it might be considered onerous for a passenger to secure insurance against in flight hazards for every short trip that he might take within the continental United States, it does not seem an excessive burden for him to procure such protection when embarking on a trip abroad, particularly when such protection can be secured for such a nominal cost. The possible

adverse effects on our air transport industry which might ensue as a result of the withdrawal of the limitation do not seem justified by the arguments advanced for such withdrawal. Could it be that the interest some plaintiff lawyers have exhibited in this subject is activated more by their desire to open a new and potential lush field of litigation, than by concern for the bereft and allegedly unprotected international traveller?

— William J. Madden, LL.B. '34
Gentlemen:

Your October 22nd story of a touch football game between male and female Harvard Law students has immediately and inexorably moved me to compose the enclosed

two poetic commentaries. I freely grant permission to print them as expressing the diehard sentiments of one of the "old gang."

Arthur Stambler, LL.B. '48 c.l.

ON READING OF A
TOUCH FOOTBALL GAME BETWEEN MALE AND FEMALE HARVARD LAW STUDENTS

— I —

HOLD THAT THRENODY!

Wail away Warren; Roll over Ames!

Today plumbs the depths of all the shames

That could ever foul an honorable escutcheon.

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much on
Your once-proud head can now be
poured?
To hear the mating shrieks of mice
where . once strong maledom
roared . . .
You invited sick Pandora when you
opened doors to dames.

Rise up Langdell . . . to sound your
knell
Amid the perfumed halls
(Once cloistered walls where adults
tackled law)
Now youngsters touch each other,
and the sound of giggles falls,
As they burn with soft . . . and
scarcely gem-like . . . flames.

What now, Griswold? . . . Fuller,
speak!
Shall honors soon be going to the
one most chic with a quarterback
sneak?
(I see future alumnae (in a most
horrid dream) boast not of mak-
ing law review, but the girls'
touch football team).
And what fame, sirs, in offering the
nation's
Largest course in domestic rela-
tions,
And all such boy-girl games?
Who ever thought we'd live to see
(And may not live to care)
Co-educated punt and pass

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— II —

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