



Harvard Law Record

Urges Bolster to World Court - - - -	3
Democrats to Discuss Civil Rights - -	4
'Big Book' Nears Completion - - - - -	5
Itek Success Described - - - - -	5
Inter-American Association - - - - -	6
Confusions and Contusions - - - - -	9
Law School Little League - - - - -	10
Growing More and More - - - - -	13

Harvard Law Record

ROBERT C. BERRY	President
CHARLES G. KADISON JR.	Editorial Manager
SYDNEY S. TRAUM	Business Manager
CHARLES H. BARON	News Editor
RUSSELL A. WINSLOW	Features Editor
BENJAMIN M. GOTTLIEB	Photography Editor
ROY F. BARNITT JR.	Advisory Editor
ROBERT E. MANLEY	Advisory Editor
PETER J. MCGINN	Copy Editor
MORRIS J. AMITAY	Ass't News Editor
RAPHAEL JACOBS	Advertising Manager

Associate Editors

Ellis A. Horwitz, Richard C. Hotvedt, Herbert H. Kaiser, David N. Levinson, Paul C. Murstein, Morton Rosenberg, David L. White.

Staff

Robert W. Worley, Thayer Fremont-Smith, Daniel F. Gold, Robert B. Terry, John G. Gillis, Leonard M. Nelson, John G. Milano, Barry M. Bloom, Alex R. Seith, Ira Frelicher, Marilyn Pfaltz, Howard Kristol, Mordecai B. Braunstein, John Martin, Justin Heatter, Allan W. Drachman.

Published weekly on Thursday for twelve weeks of each term by THE HARVARD LAW SCHOOL RECORD CORPORATION, 23 Everett St., Cambridge 38, Massachusetts. Subscription price: \$2.00 per term, \$4.00 per year (24 issues) mailed; student subscription \$1.50 per term mailed, \$1.00 per term distributed at the Law School. Individual copies 10c each at the Law School, 20c each mailed. Business and editorial offices, 23 Everett St., Cambridge 38, Massachusetts. Telephone UNIVERSITY 8-7600, extensions 418 and 419.

Permission is given for reproduction of any part of an article appearing herein, provided that credit is given to both the RECORD and the author of the article.

Second class postage paid at Boston, Mass.

Hearsay

Among the most striking "contempts of court" which have occurred in the New York courts is the following: some years ago, in Buffalo, while one of the members of the bar of that city was arguing an appeal at the General Term of the Supreme Court, he was irritated by the frequent expressions of dissent made by the court to his propositions of law. Pausing abruptly, at length, in the midst of his argument, he exclaimed, with emphasis,

"I will, perhaps, be excusable in remarking that this court strongly reminds me of a Demerara team."

"And what kind of team may that be?" asked the presiding justice.

"It is said to be composed," was the reply, "of *two mules and a jackass!*"

The consequences of the comparison are not reported.

* * *

SPECIAL pleading has long been abolished in the New England states, and replicators, rejoinders, rebutters, and surrebutters have fallen into disuse. When they were in use, it was once alleged, in the pleadings of a case brought upon a marine policy of insurance, that the vessel was wrecked and totally lost *by the act of God*, and through no fault of the owners or persons on board. The opposite attorney "traversed" in rejoinder, "that whereas, in truth and in fact the *said loss was not the act of the SAID God*, but occasioned solely by the barratrous and fraudulent course of the master!"

The foregoing are from L. J. Bigelow: *Bench and Bar*, New York (Harper & Brothers, 1871) at p. 479 and p. 451.

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, February 25

The LAW-GRADUATE DEMOCRATIC CLUB will present Representative Adam Clayton Powell of New York at 8:30 p.m. in the James Barr Ames Courtroom, Austin Hall. His topic will be, "What Should the Democrats Do About Civil Rights in 1960?"

The OFFICE OF STUDENT PLACEMENT will present Professor Paul J. Tillich, speaking on "The Search for Meaning," at 7:30 p.m. in the Dudley House Dining Hall.

Friday, February 26

The annual OLIVER WENDELL HOLMES LECTURE will be given by Dean Ivan C. Rand in the James Barr Ames Courtroom, Austin Hall at 8 p.m.

The INTERNATIONAL LAW CLUB will meet at 4 p.m. in the Wheeler Room, Holmes Hall. Dr. Firenc A. Vali, Research Associate in the Center for International Affairs, will speak on "Recent Aspects of Rights in Foreign Territory."

The annual Newman Lecture of the HARVARD CATHOLIC CLUB will be given by Dr. Vincent Dethier, professor of biology at the University of Pennsylvania, at 8 p.m. in Emerson D. His topic will be "Evolution and Catholicism."

Saturday, February 27

The SCOTT CLUB will hold a cocktail party in the Wheeler Room of Holmes Hall from 5 to 7 p.m.

The SOUTHERN CLUB will have a cocktail party at 75 Garfield St. from 5 to 7 p.m. Drinks will be free.

Wednesday, March 2

A general meeting of the INTERNATIONAL LAW CLUB will be held in the Pound Room of Langdell Hall at 8 p.m. Dr. Saba

Continued on page 16

NEWS SECTION

Urges Bolster to World Court

Assistant Professor Stephen M. Schwebel addressed the Senate Committee on Foreign Relations, on February 17, in support of a Senate Resolution to return to the International Court of Justice the power now exercised by this country under the Connally Amendment. The United States presently reserves for itself the decision whether or not cases before the International Court concern "matters . . . essentially within the domestic jurisdiction of the United States." If the United States decides such is the case, there is a practical veto against allowing the case before the Court.

Professor Schwebel pointed out that the Statute of the International Court of Justice, "provides that — like any court properly so-

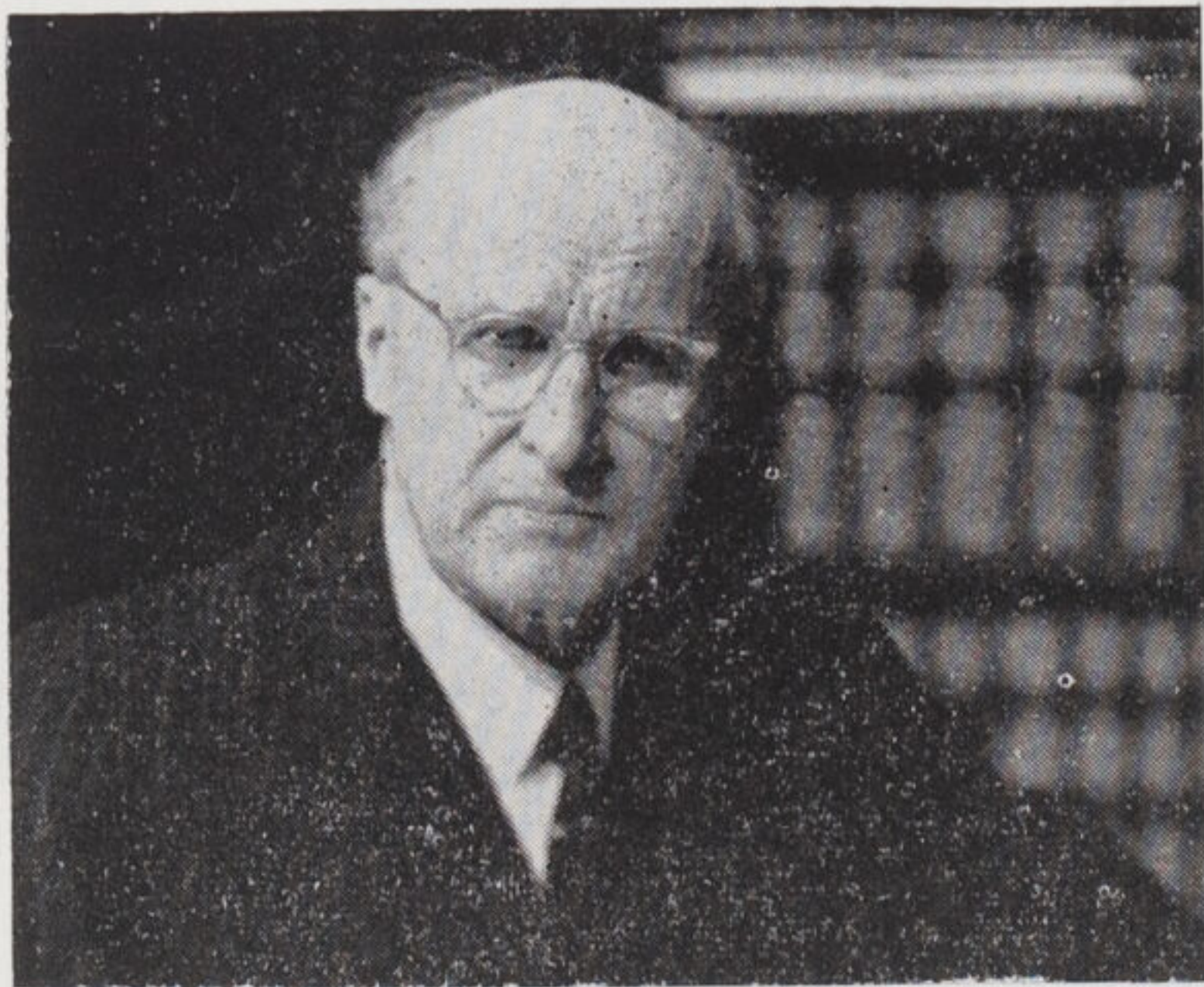
called — the International Court shall settle by its own decision disputes as to its jurisdiction." He noted that the "self-judging reservation" now retained by the State Department contravenes the terms of the Statute, and emphasized that it also directly contributes to a weakness of international law. That weakness is "the lack of effective, compulsory jurisdiction" by the Court over international legal disputes.

In prepared testimony which was followed by an hour of questioning by members of the Senate Committee, Mr. Schwebel indicated several reasons for withdrawing this veto power over the Court's jurisdiction. He noted the opportunities for abuse of the power both by this country and by others. It may seem more important to win a particular case than to sustain a workable system by which cases can be decided. At such a time, the State Department can hide behind the self-judging reservation rather than trying the case upon the merits. He expressed a fear this might work to the disadvantage of the United States more often than it helped, since the obligations of compulsory jurisdiction are reciprocal. Another country which the United States brings before the Court can defeat the jurisdiction of the International Court by stating that it regards the dispute as within *its* domestic jurisdiction. If this clause were revoked, countries could not employ it against the United States.

Professor Schwebel observed that withdrawal of the self-judging reservation would be mutually beneficial since it "would at once strengthen the International Court and enhance the stature of the United States as a world leader in the pursuit of peace." He remarked further: "United States declarations, official and unofficial, in support of the rule of law have a hollow ring as long as we reserve the power to be judge in our own cause." A half dozen other countries have followed the poor example of the United States, and thus the occasions when the Court's jurisdiction can be circumvented have been multiplied.

"We want a regular procedure," continued Mr. Schwebel, "which can clarify the legal

Reminder !!



Dean Rand

Dean Ivan C. Rand will deliver the annual Oliver Wendell Holmes Lecture tomorrow evening at 8 p.m. in the James Barr Ames Courtroom, Austin Hall. His topic will be, "Some Aspects of Canadian Constitutionalism."

Mr. Rand is at present the Dean of the Faculty of Law of Western Ontario. He graduated from the Harvard Law School in 1912 and is a former Justice of the Supreme Court of Canada.

All students are urged to attend.

obligations of this and other countries. This country lives up to its legal obligations, and has nothing to fear from impartial clarification of them." He referred to the establishment of the Court of Claims one hundred years ago with compulsory jurisdiction over claims against the Government, and emphasized that the Government benefits from "a judicial determination of its obligations with respect to financial claims." Everyone suffers more if international legal disputes are left unresolved.

Professor Schwebel spoke in place of Professor Louis Sohn, noting that Professor Sohn had contributed an article upon the Connally Amendment to the January, 1960 issue of the *American Bar Association Journal*, which had been submitted for the Senate Committee's record. He also noted the general approval of Professors Milton Katz, Richard Baxter and Roger Fisher of his statement. Professor Fisher will elaborate his views in a later issue of the RECORD.

— Winslow

Democrats to Discuss Civil Rights

New York Democratic Congressman Adam Clayton Powell will appear tonight in the Ames Courtroom of Austin Hall as the featured speaker in a program sponsored by the Law-Graduate Democratic Club on the subject, "What Should the Democrats Do About Civil Rights This Year." Congressman Powell, a fervent spokesman for racial equality who is next in line in apparent seniority for the chairmanship of the House Labor Committee, will be joined by three prominent University professors beginning at 8:30 p.m.

Professor Abram Chayes of the Law School will moderate the program, and Professors Mark DeWolfe Howe of the Law School and Arthur M. Schlesinger, Jr. of the Department of History, will comment on aspects of Powell's speech. Following the program, which will be open to the public, will be a membership coffee hour with the New York minister in the Harkness meeting room.



These are the gentlemen who will head the *Harvard Law Review* in the coming year. Seated are (l. to r.) Peter B. Edelman, Treasurer, and James V. Springer, President. Standing are (l. to r.) Mark A. Weiss, Nathan J. Cohen, Sidney S. Rosdeitcher, Tom J. Farer, Bernard W. Nussbaum, Jack S. Levin, and John E. Vanderstar. Absent from the picture is Roland S. Homet, Jr.

The 'Big Book' Nears Completion

All the preliminary work on the Law School Yearbook has been finished, according to Gale Roberson, Editor for 1960. Nothing remains but for it to come rolling off the printer's presses and to pass through the binder's hands. The editorial board is hoping for an early release sometime before the end of April.

The work this year has been divided between four senior editors from the third-year class: Gale Roberson, Wilmette, Ill., Editor; Rachel Hallett, Lawton, Okla., Business Manager; (Mrs.) Roberta Levetown, Quincy, Mass., Associate Editor; and Robert Johnson, Concord, N. H., Associate Editor.



Associate Levetown at work

The activities necessary to produce the "big book" are many and varied. There are the finances involved in promoting subscriptions, securing advertisers, and seeing that the bills are all sent out and paid. (Debtors, take note! All bills went out two weeks ago.) Then there is the delicate task of obtaining pleasing likenesses of both students and faculty members for the many pages of shining faces. The scheduling of group pictures of the Law School organizations and clubs presented fine opportunity for juggling as to time and place according to the weather. Add to this the need for appropriate prose to surround the pictures, the selection of

subjects for the art work, and the choice of a dedication and one still has only a scant idea of the Yearbook's activities during the last months.

Soon all this work will come together to reflect the year 1959-1960 at the Law School. For many a busy lawyer, in a rare moment of reminiscences, it will be a record of bygone days, capturing and exposing all those "representatives, senators and judges" as they were when they all rubbed elbows on the steps of Langdell.

Itek Corporation Success Described

Dr. Arthur Tyler, Vice-president of Research for Itek Corporation, told the Bull & Bear Club why the spectacular two-year rise of his company's stock from \$2 to \$200 per share was no chance happening. Speaking at the Club's meeting last week, Dr. Tyler related how he and Itek President Richard Leghorn daringly left secure jobs at Eastman Kodak to seek financial backing for a new departure in electronics called "information technology." Dismayed by a dozen unsuccessful attempts, they finally received a pledge of capital from Laurence Rockefeller. Even this "was about 10 per cent of what we thought we needed," Dr. Tyler recalled.

At Itek's founding in September, 1957, Dr. Tyler said it was expected that 12 projects would quickly engage the company's idle technicians and plant. "Of those, we landed only one contract," Dr. Tyler noted with disillusionment. Other initial setbacks soon taught him and his technically oriented associates that there was more to running a business than scientific know-how. "We still lack an efficient marketing organization, which takes years to build," he explained.

To overcome its handicaps, Itek operated unique machines able to classify and store many forms of "graphic information, such as photographs, maps, and even legal materials," Dr. Tyler said. He predicted that Itek would soon produce machines that can save lawyers long hours of research. "Upon re-

ceiving a question the machine could tell you every case in point," he stated. Although technical problems have been solved, such machines cannot go into wide use until a comprehensive indexing system is developed. According to Dr. Tyler, a machine can "remember" only those parts of a case which the index marks as relevant.

Asserting that "our research is two years ahead of I.B.M.," Dr. Tyler said only Itek machines can manipulate information other than numbers. To widen the "research gap," Itek planners hope to develop more complex machines able to deal with "active" information. Such equipment could be used to keep count of fast-changing inventories or "to tell a company like General Electric which of its thousands of employees have certain skills."

For investors seeking huge capital gains in a stock like Itek, Dr. Tyler indicated there is no sure way to know a new company will prosper. "We have far surpassed our most wishful predictions," he stated. "Every six months our past plans become obsolete."

— Seith

Organize Inter-American Law Student Association

"The population explosion will vitally affect the New World. By the turn of the century, there may be as many as a billion people in the Americas . . . we have more investments in this hemisphere than in all of the rest of the world," stated Dean William Barnes in a speech before a meeting to organize an Inter-American Law Students Association held in Harkness Commons last week.

While emphasizing the need for more imagination and better information in our relations with Latin America, and decrying the present dearth of interest in such a vital area on the part of American students, Dean Barnes went on to praise the initiative of Harvard Law students in establishing I. A. L. S. A. as an important move in the development of hemispheric solidarity.

He then proceeded to list specifically some of the advantages and benefits which would accrue to an American law student from joining an organization such as I. A. L. S. A. First, the American student, through closer

contact with Latin Americans, would acquire a great deal of knowledge not only about Latin American law, but about its people and customs as well. This in turn would enable him, once in a position of leadership, to make better policy decisions involving Latin America. Second, the student who learns the structure of Latin American law and the rules which apply to international business would gain great benefit in his future career as a lawyer. Third, there would be great personal advantages to the student, through an increased number of scholarships to Latin America, greater employment opportunities with either firms or companies doing business abroad, as well as important mutual contacts with the future leaders of Latin America. Fourth, the American student would, in the future, whether in a public or a private capacity, be able to better represent the United States in Latin America.

After the speech, the members were given a program of the immediate future activities of the association, which included a dinner with Congressman Charles Porter held last Friday night, as well as a social with the Wellesley College Spanish Club this past Tuesday. It was also announced that future meetings and lectures are being planned, to which all interested students are invited. All interested in becoming members may contact Frank Brown, 2L.

— Thome

Joseph A. Grimes Heads Legislative Research Bureau

Joseph A. Grimes, Jr. has been elected President of the Harvard Student Legislative Research Bureau for the coming year. He and a complete slate of new officers were chosen at a meeting of that group on February 10.

Others elected include: Andrew L. Nichols, 2L, of Wellesley, Massachusetts and David G. Ormsby, 2L, of Waterford, New York, who will serve jointly as Vice-Presidents for Research; and John K. P. Stone, 2L, of Short Hills, New Jersey, who will be the Vice-President for Clients.

The new President, Joseph Grimes, is currently in the second year at the Law School and is from Providence, Rhode Island.

International Shipping

Flags of Convenience Scored

The International Law Club's discussion group meeting last week featured a talk by Mr. Boleslav Boczek of Krakow, Poland on "Flags of Convenience and International Law."

The speaker, who is currently writing his doctoral thesis here, began his talk by defining what is meant by a flag of convenience. This, he said, refers to any nation which allows registration in its country of foreign-owned ships, for the convenience of the ship's owners, thereby letting the vessel be technically recognized as a ship of that nation. In such cases, there is quite often no genuine link between the flag and the ship, since the flag-state does not usually exercise effective control over the ship.

Despite its unpopularity with most international law authorities, the use of flags of convenience is a widespread practice. For example, millions of gross tons of American shipping are registered under foreign flags, the most "convenient" nations being Liberia, Panama, Honduras, and Costa Rica. However, over one million gross tons are also registered in the United Kingdom. In explaining the reason for so many ships leaving the American flag, Mr. Boczek cited high operating costs here, as compared with liberal registration laws and lower taxation abroad.

Quite Sensitive

Mr. Boczek informed his audience that flag of convenience countries are quite sensitive about this designation. Even so, in all official references about them by our State Department, they are referred to as "Panlihon" (Panama-Liberia-Honduras).

The problem of whether, under international law, a nation may grant nationality as it pleases has come up before the International Law Commission. The majority registered opposition to the general practice of indiscriminate registration.

To curb this, the Commission finally adopted the "genuine link" test as a general rule governing the problem, but they did not define precisely what the link must be. Moreover, even though this "genuine link" test is the one found in Article 5 of the Geneva

Convention of the High Seas, Mr. Boczek pointed out that, to his knowledge, Afghanistan has been the only nation to ratify it.

"Genuine Link" Ineffective

Mr. Boczek suggested that the "genuine link" test is not effective as a practical matter. Instead, he advocated adoption of a test based upon administrative, technical, and social control over the vessels, using these to complement existing rules of international law. "We should not," he concluded, "recognize frivolous nationality."

During the question period, the speaker commented on the various attitudes toward these flags of convenience. Labor unions refer to them as "run away flags" and "flags of easy virtue." On the other hand, ship owners call them "flags of necessity."

In relating some odd incidents arising out of this practice, Mr. Boczek recalled how a storm of protest followed the application of the prohibition era laws to American ships. During the furor, one crusty captain declared that liquor was to a seaman what milk was to a baby — and promptly changed his ship's registration.

— Amitay

Class of 1960 Elections Soon

In this election year even the Law School falls victim to the political fever manifesting itself throughout the nation. It does so on a somewhat smaller scale however. The election of the members of the Class Committee of 1960 will take place on Tuesday, March 15, after the usual meetings of Property II.

The charter of the Class of 1960 is now being prepared by several members of the Class, representing various student organizations, as an *Ad Hoc* Committee. This instrument will serve as the outline for the organization of a lasting association of the members of the Class of 1960 after their graduation from the Law School.

The Class Committee usually consists of a Class Marshal, a Secretary, and seven Committeemen. Those elected to the Committee

will organize the traditional Class functions prior to graduation as well as Class Reunions and annual reports. The Marshal is the titular and ceremonial representative of the Class and is also Chairman of the Class Committee. The Secretary assumes much of the work of communication with members of the Class after graduation, by way of reports, directories and news letters.

Nominating petitions in support of candidacy for a position on the Class Committee will be available on Thursday, March 3, at the receptionist's desk in Langdell Hall. Petitions must be filed by Wednesday, March 9. The Election Rules, now being formulated by the *Ad Hoc* Committee, will be printed in the next issue of the RECORD.

Third year students serving on the *Ad Hoc* Committee are: John G. Milano, Irvington, N. J., Chairman; Laura L. Muckerheide, Cincinnati, Ohio; Mark I. Harrison, Pittsburgh, Pa.; Ronald L. Boorstein, Grand Rapids, Mich.; Peter J. McGinn, Riverside, R. I.; and Samuel B. Fortenbaugh III, Radnor, Pa.

Professor Hall Returns From Western Trip

Professor Livingston Hall is now back from a semester away from the Law School. "It was my first recreational leave since I started teaching in 1932," he observed, although previously Professor Hall left the School for World War II service with the Boston area O. P. A. and the Army Air Corps in the South Pacific.

Much of Professor Hall's leave was spent with his wife on a combined motor and hiking trip that took them 10,000 miles into the

Pacific Northwest. Stocked with camping equipment, they cooked and slept in secluded woods. "Motels weren't for us," Professor Hall declared. "Neither were the National Park campsites. They were too crowded to be real outdoor life." He noted that their avoidance of National Parks may have spared them from the earth tremors that shook Yellowstone Park last summer. At that time they were "happily, but ruggedly driving through Canadian woods on a dusty, gutted firetrail," said Professor Hall. That road, like others they chose, was so remote that it was not manned with immigration authorities where it crossed the U. S.-Canadian border.

From the Continental Divide they followed by car the Columbia River as it flows two hundred miles northward from its source, then turns south toward the Cascade Mountains.

In Seattle, the Halls chartered a kitchen-equipped motor launch and set off on a tandem journey into the upper reaches of Puget Sound. "Within a day we entered the region of steep mountains and sharp inlets, the true fiords," Professor Hall recalled. Farther north they reached the "Banana Islands," a freakish oasis of Florida-like weather within the cold, rain-swept climate common to the region.

When asked if the trip had made him a confirmed naturalist like Supreme Court Justice William O. Douglas, Professor Hall replied proudly, "I've always been one." Professor Hall laughed about the occasion when Justice Douglas led foot-weary Washington reporters on a 25-mile hike through a Maryland woods to convince them it should not be spoiled by a proposed Federal highway. "I guess our other common trait is that Justice Douglas once taught Agency," he observed.

— Seith

Secondhand Law Books

LAW SCHOOL AIDS

Bought — Sold

HARVARD BOOK STORE

1248 MASS. AVE., CAMBRIDGE
OPP. LAMONT LIBRARY TR 6-9069

Rackets Restrung

One-Day Service

TENNIS & SQUASH SHOP

67a Mt. Auburn St. Cambridge
Opp. Lowell House — TR 6-5417

GINO'S

MODERN BARBER SHOP

"A Pleasant One Block Walk"

1638 Mass. Ave.

4 Chairs — Quick, Expert Service

SAME DAY DRY CLEANING

Complete Laundry Service

RITE - WAY CLEANERS

4 Hudson St. (off 1672 Mass. Ave.)

ELSIE'S

Noted for the Best Sandwiches
To Eat in or Take Out
The famous Special Roast
Beef Sandwich

•
KNACKWURST — BRATWURST
with Sauerkraut
OR POTATO SALAD
•

71 Mt. Auburn St., Cambridge, Mass.
Elsie & Henry Bauman EL 4-8362

Confusions and Contusions

The Dormitory Council is an organization whose activities should be of concern to all of the 500 Law School students who live in the dormitories. Yet this is very far from being the case. To most people in the dorms, the Council is a matter of indifference or jest. This raises the inquiry as to whether the Dormitory Council is a necessary part of this Law School.

It is true that the Council has made certain valid endeavors. The parietal rule survey done under the past president, Warren Greene, 3L, merits certain plaudits. There have also been the dances and the mixers, plus the Judiciary Committee, which metes out those meretricious penalties for parietal rule infractions. But beyond this, there is little that can be said for this organization.

These few functions hardly justify the confusions and contusions that this body evokes. The Council is simply not sufficiently necessary to demand student interest or support. It is not surprising that there is a general lethargy toward anything connected with the Council; nor does it clearly appear that this indifference is unjustified. All in all, the Dormitory Council appears to be pretty much of a white elephant.

It is therefore respectfully suggested that the Dormitory Council be abolished.

Actually, carrying through with this suggestion should not be too difficult. There are alternative methods of efficiently re-apportioning its few functions that could be employed.

As one solution, it should be recognized that the Council and the dormitory proctors are two distinct groups. There seems to be nothing to prevent the proctors from taking over the Judiciary Committee activities. Let them be judges, as well as policemen. The punishments exacted for parietal infractions are not so severe that a cry need be raised against this dual role.

The proctors could also handle any mixers or dances, if such are so essential for the well being of the dormitory dweller.

However, if delegation of these functions to the proctors should prove unfeasible, there is yet another alternative. This would be to leave all questions of the Judiciary Com-

mittee and dances to the Phillips Brooks House Law School Committee. This group should be able to handle the job very neatly, and it would mean that the functions would be extended to cover the whole Law School, where applicable, and not just the dormitories.

These alternatives are called to mind not just because the Dormitory Council is practically impotent. They are suggested because the Council does not function properly even in the areas where it could, and should.

In the first place, the election of dorm representatives is quite often a joke. Usually some unknowing first-year student is elected, merely because the other two classes know better than to be bothered. But in most cases the first year man adds further to the Council's troubles. He feels the pressure around here more than anyone else. Consequently he quite easily and quite understandably prefers to absent himself from most of the meetings. This explains why most Council meetings have no more than a 50 per cent attendance.

If a first year student is not elected, then it is usually some person who was absent when the elections took place and who got stuck with the job as a laugh. But the laugh is on the Dormitory Council.

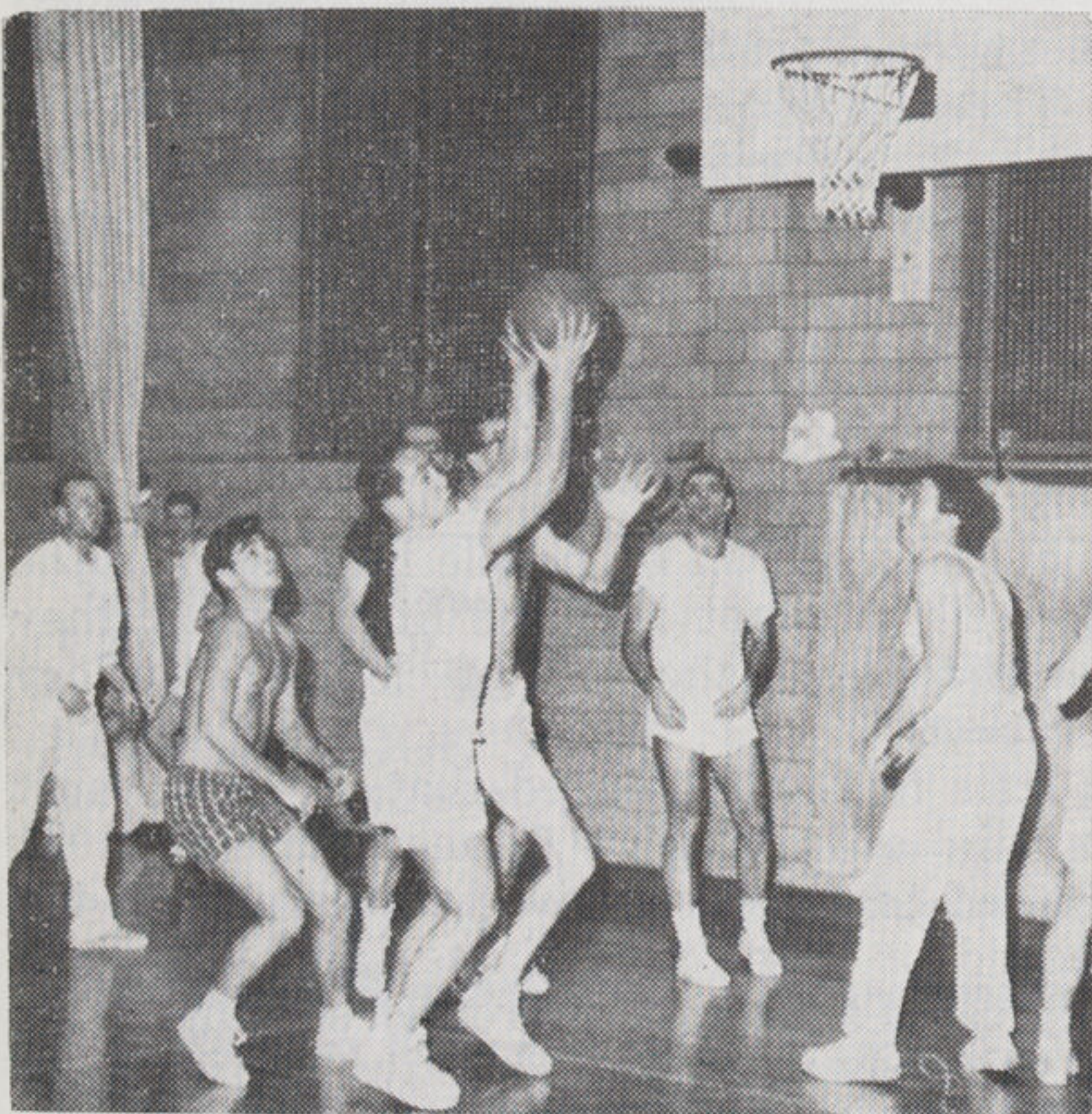
There is also the fact that Council officers get room priorities in the dorms for the following year. This priority was instituted last year to lure people into serving on the Council. This seems most ridiculous. In the first place, why pour sugar on a hopelessly bitter lemon? In addition, if we must have this organization, let it be high-minded enough to be run by people interested in the Council, and not in what little benefit they can wangle in the way of choice dormitory locations.

It is finally suggested that, if there must remain a Dormitory Council, it should be limited to representatives who are from the second or third year classes and who have expressed a positive interest in serving. Only in this way will full and active participation result.

But better by far would be to forget the whole thing. It hardly seems worth saving.

Law School Little League

Yes, indeed . . . we really have the athletes at the old Law School . . . there is even an intramural league . . . with teams yet . . . catch those crazy names . . . Tort Trotters . . . Weitzel A. C. . . . Charley Brown A. C. . . . Rebels . . . Flying Feasors . . . McNeil A. C. . . . Explorers . . . Moosi . . .



Photos by Gottlieb



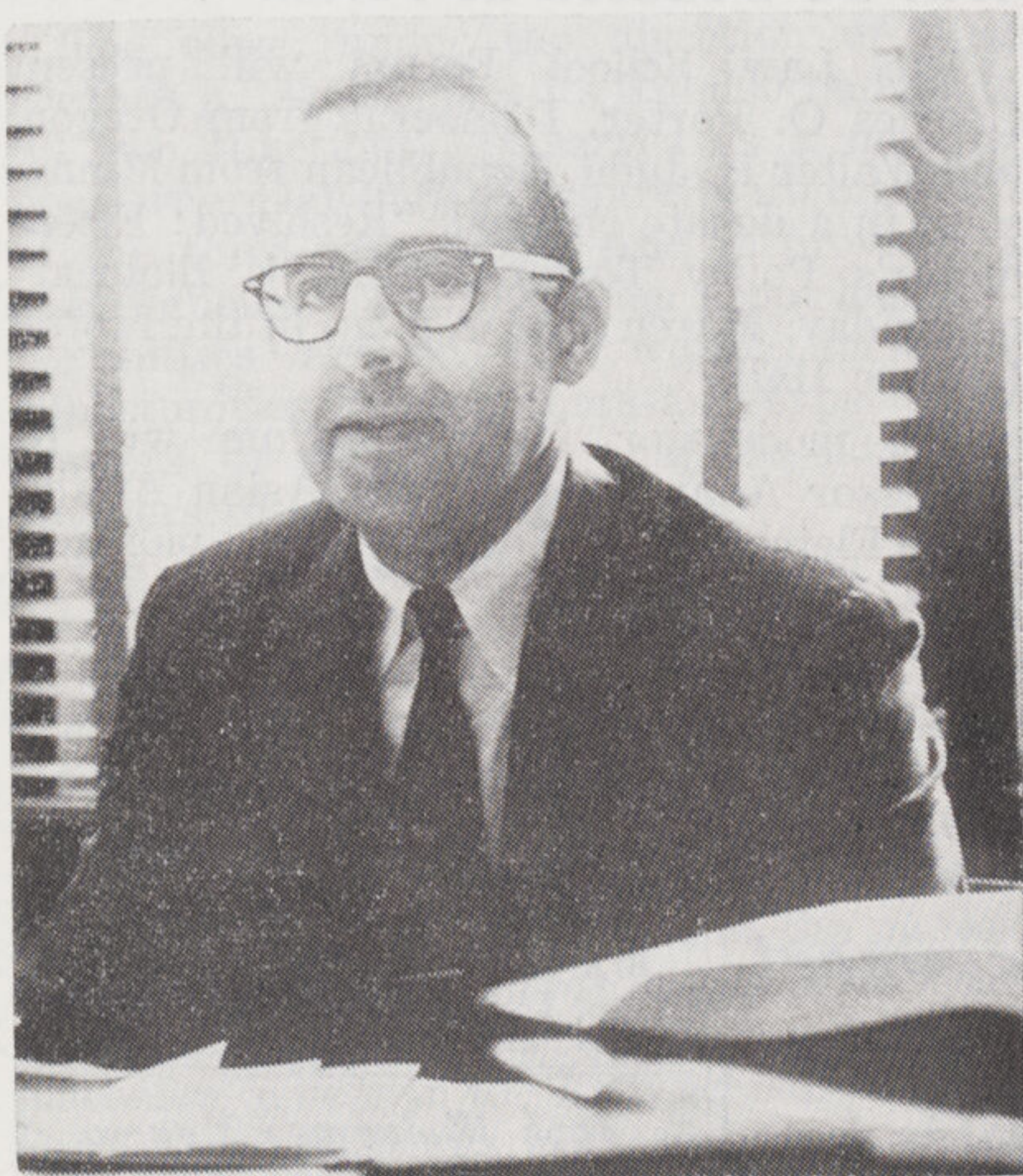
Blackacres . . . Colts . . . New Haven Swim Club . . . Review Rebutters . . . Causa Mortis . . . Replevin Seven . . . Incompetent A. C. . . . yes indeed!

The rafters have been shaking in old Hemenway beneath those fearsome crews.

Gallery

Assistant Professor Frank E. A. Sander brings to his teaching at the Harvard Law School an exceptionally wide variety of experience in the law. Since graduating from the Law School in 1952, Professor Sander has spent two years as a law clerk, has argued tax cases for the Government, and spent nearly three years in general practice in Boston. He is currently teaching a section in Federal Taxation, assisting in the instruction in the International Program in Taxation, and next fall he will present a course in family law.

Professor Sander was born in Stuttgart, Germany, in 1927, and settled in Massachusetts in 1940, after spending a year and a half in England. He entered Harvard College in the fall of 1944, but his studies were



Mr. Sander

interrupted in 1946 by a year in the Army, during most of which time he played the piccolo in army bands, concluding his army career in the Military Academy Band at West Point. Returning to Harvard in 1947, he graduated in 1949, *magna cum laude* in mathematics and a member of Phi Beta Kappa.

Commenting upon his decision to enter law school, Mr. Sander remarked, "Perhaps it was the oft-expressed view of my family and friends that I seemed to have a 'legal mind' by which they generally meant a disputatious personality." He graduated from Harvard Law School *magna cum laude* in 1952, having served as Treasurer of the *Law Review*.

Following his graduation, he became law clerk first to Chief Judge Magruder of the United States Court of Appeals for the First Circuit and then to Mr. Justice Frankfurter of the United States Supreme Court. He speaks of the clerkship experience as having provided the two most stimulating years of his legal life. He notes, however, that the value of such an experience depends little upon the court with which one spends the year; its value is dependent instead upon the qualities of the particular judge and the interest that he has in the clerk-judge relationship. "The uniquely valuable experience" he said, "is in serving as an apprentice and sounding board for a great legal mind. Judge Magruder and Justice Frankfurter, while quite different from one another, are both rigid taskmasters who set high standards for themselves which are in turn projected onto those around them."

Mr. Sander spent the next year and a half in the Tax Division of the Department of Justice, as he remarked, "Coping contentedly with the almost reckless amount of responsibility that was thrust upon one there." He briefed and argued tax cases for the Government in the various Courts of Appeals around the country, and he considers this experience to have been invaluable preparation for the teaching of his course in taxation. Noting that practice may not be as important in the teaching of more abstract courses, he thought it very useful here.

He spent the three years immediately before his return to teaching in practice with the Boston firm of Hill, Barlow, Goodale and Adams. This provided a variety of practice which included estate planning and assistance in litigation. During this time he developed an interest in teaching when he taught a course in the Federal Courts and a

seminar in Selective Tax Problems at Boston University Law School.

Professor Sander is currently preparing a course in family law which he will be teaching in the fall. As a successor to the course in domestic relations, this will deal with the typical problems involving marriage, divorce and custody; but Mr. Sander notes that he will attempt to explore, as well, the non-legal material bearing on this area. This is in part a response to the oft-heard criticism that lawyers are prepared to deal competently only with the legal aspects of this field. He will try to acquaint the student with the contributions that psychiatry, sociology, and psychology can make to such specific problems as counseling by the divorce lawyer. He will also explore more general concepts such as the extent to which religion should figure in adoptions and the role of divorce in society. In answer to a question, he remarked that a background of study in psychology or sociology is not necessary; he is directing the course, instead, at the student interested in the approach of taking non-legal material relevant to a given area and working with it in the legal framework.

Mr. Sander's experience includes two trips to Europe in connection with the Salzburg Seminar in American Studies; in 1954, he served there as faculty assistant to Professors Brown, Kaplan, Jaffe, and von Mehren. He was married in 1958, to Emily Bishop Jones and with their daughter Alison, who

was born last July, Mr. and Mrs. Sander now make their home in Cambridge. "My consuming non-legal interest is in the world of music," he says. He was president of the orchestra at Harvard College and spent two years working for the management of the Boston Symphony at Tanglewood.

He considers it important for lawyers to have broadly oriented interests and noted his disturbance at the parochial tendencies of those whose interests fail to transcend the narrow confines of their profession. He would particularly encourage an interest in the arts — music, fine arts, and the theater — and observed that for the student spending three years at Harvard, Boston offers much in this way.

— Winslow

Eisenhower's China Policy Will Be Debated at Forum

The Law School Forum will present Charles O. Porter, Democrat from Oregon, and Walter H. Judd, Republican from Minnesota, in a debate entitled, "Resolved: Eisenhower's Policy Toward China is Illogical" on Friday, March 4, at 8 p. m. in the Lowell Lecture Hall.

The moderator for the forum will be Professor Allan Cole of East Asian Affairs at the Fletcher School of Law and Diplomacy, Tufts University.

TAPE RECORDERS

Hi-Fidelity, Battery
Operated, Transistorized

Book Size

Record anything, anywhere
Make Sound Movies

Call UN 8-6988

COFFEE 5¢!

CAPRI

Submarines

1691 Mass. Ave.

Open 9 a. m. — 1 a. m.

Fri. & Sat. till 2 a. m.

EL 4-9607

Weekend

Entertainment

BRATTLE — Lovers of Paris -
3:30, 5:30, 7:30, 9:30.

UNIVERSITY — Never So Few -
2:44, 5:52, 9:04.

BOSTON

TELEPIX — Grand Illusion - 11:30,
1:20, 3:25, 5:30, 7:35, 9:40; Short
- 3:13, 5:18, 7:23, 9:28.

EXETER — The Magician - 2:00,
3:50, 5:40, 7:35, 9:25; This Is
Farmborough - 3:40, 5:30, 7:25,
9:15.

UPTOWN — Never So Few - 1:05,
5:15, 9:20; House of 7 Hawks -
11:25, 3:30, 7:40.

SQUASH RACKETS

Largest Variety in New England

Tennis & Squash Shop

67A Mt. Auburn St., Cambridge
Opp. Lowell House — TR 6-5417

Jack Welcomes You to

Mike's Club

WHERE YOU CAN ENJOY
THE LARGEST

ROAST BEEF SANDWICH
IN THE SQUARE

OPEN EVERY SUN. — THURS.

'TILL ONE A.M.

FRI. SAT. 'TIL 2 A.M.

Orders to Take Out

EL 4-9625

Growing More and More

Not since the Forum was selling tickets to see Castro at their circus last spring has the little yellow building at 23 Everett Street quaked with as much activity as it did last fall when the annual parade of lawyers came to seek members of the third-year class for their offices. Each year the burden on the Placement Office grows heavier as greater numbers of law firms seek its help in attracting Harvard law graduates. Last year, 770 opportunities were channelled through the Placement Office to 496 members of the class of 1959. This year 4,719 interviews have been held, 187 are employed, 144 are eligible for military service and have not reported employment, and 137 members of the class of 1960 are uncertain as to what they will be doing after graduation.

The office, under the direction of Miss Eleanor R. Appel, uses its \$24,000 budget to fill two functions. It serves as a meeting place where lawyers can confer with members of the third-year class. And it provides a clearinghouse for information about legal opportunities around the world, including opportunities for beginners and experienced lawyers in many firms that do not send partners to Cambridge.

The process of interviews in the Placement office conference rooms is the most time consuming and the most expensive aspect of the operation. Personnel-conscious firms from large cities such as New York, Chicago, and Boston are the principal users of the interview facilities. The interviews "represent only a special part of the market for young lawyers," according to Vice Dean Louis A. Toepfer who was the first full-time placement officer in the Law School. Both he and Russell Hastings Peck, Secretary of the Law School, who also formerly directed the operations of the office, are of the opinion that students "tend to get a distorted view of the market for lawyers" from the process of interviews in the Law School. Secretary Peck finds this especially true when the firms build a student impression of a "going rate" for graduates, because many openings that "start below the 'going rate' offer equally good or better possibilities after five years." The present image of the going rate

is around \$6,500, though a few firms are reported to pay \$7,200.

Who Benefits?

Although he holds the opinion that interviews assist every student in so far as they build his fund of experience, Secretary Peck



Miss Appel

believes that the interviewing process in the School is more beneficial to the large firms that use it than to the students. Vice Dean Toepfer seconds this opinion, but hastens to add that if the School did not make the interview facilities available, these same firms would pester the professors and divert their time from teaching and research to placement correspondence.

Miss Appel complains that many students and firms set unrealistic standards. Some students set their goals too high, in terms of seeking glamour firms. One reason for this may be the sales job these firms do in interviews. On the other hand, many firms set their standards too high. The hiring partner of a New York firm is frankly looking for a man who was president of the Porcellian Club in the College and president of the *Law Review* in the Law School. But he is more likely to settle for a man who was on the Student Council at Utah State College and has better than average marks in the Law School.

A New York lawyer who regularly comes to the Law School to interview was greeted by a receptionist after graduation from Yale Law School in 1938 with the words: "If you were not on law review, it won't do any good to talk to any of our partners, but I'll be happy to ask an office boy to show you the library."

At present, most firms that claim they will take no one but law review members are small firms that take a new associate only once in every ten years and are out of touch with the market. They are usually disappointed when no one applies. Some New York firms seem to be stressing personality and balance more than formerly, while still insisting upon evidence of legal ability. Most feel that their best guide to legal ability is the record of law school grades. William L. Bruce, Assistant Dean, claims that the interviews, at least with firms in larger cities, for the most part result in offers to members in the top half of the class. Hiring partners seem to distrust that own judgment and would prefer to rely upon grades.

The admonition that Dean Erwin N. Griswold gave in his address commemorating the 100th anniversary of the Michigan Law School apparently has made little impression upon them, at least in so far as their hiring practices are concerned. The Dean complained that current legal education was stressing too many details to give time for students to think. He then stated that the student who can do well on examinations based upon the masses of information covered in the law schools does not necessarily have the qualities of a good lawyer:

"Moreover, our present system may give an undue advantage to a certain type of mind which can handle large quantities of details readily, while unduly minimizing the performance of some other students who may be really better potential lawyers. These are men who take more time to work their way through a mass of detail, but

WHAT DO HARVARD LAWYERS DO

	1959	1958	1957	1956	1955	1954	1953
Law Offices ...	45%	52%	52%	52%	42%	40%	42%
Own Practice .	—	—	—	—	1	1	1
Business							
Concern	3	5	5	3	3	3	2
Government ...	3	11	5	6	3	4	2
Clerkships	9	7	6	6	6	4	4
Banks	1	—	2	1	1	1	1
Insurance	—	1	—	1	1	1	1
Teaching	1	—	—	—	1	3	1
Study and							
Research ...	3	4	4	4	4	4	3
Accounting ...	—	—	1	1	—	1	1
Miscellaneous .	—	—	—	2	—	1	1
Military (i.e. those eligible for service without jobs).	34	18	23	23	38	39	40

(Percentage is based on total number of students in the graduating class minus those unknown, those who failed, and those out of class.) Source: "Report of the Placement Activities of the Harvard Law School," June 1, 1959.

who may be really more perceptive, more understanding, more resourceful, and better able to face new problems about which they have heard nothing in law school, than are the men who can keep more or less straight in their minds the vast mass of material which we now lay before them." (RECORD, October 29, 1959 and *Harvard Law School Bulletin*, December 1959)

Changing Outlooks

A hiring partner for a Wall Street firm explains that approaches to hiring in his firm have changed from time to time. For a while their policy was to hire no one except the top students, principally law review men. Then their policy shifted to search for other qualities. As he put it: "We are looking for a man who will get along with the rest of us in the rough and tumble practice of law. We place considerable emphasis on assertiveness and forcefulness. We also look for some assurance of legal ability as indicated by the man's law school marks and by our interview with him." Another firm claims to be more grade conscious than ever before, yet 10 years ago no Harvard men would go to this firm and today it is still unable to attract Yale men.

At the same time, some high ranking students find some doors closed for personality reasons. One man places personality so high that he states: "No question is impermanent in an interview." He not

only wants to know what kind of man he is interviewing, but if a student is married he wants to know about the personality of the student's wife. Another hiring partner automatically rejects a student who has already chosen the field in which he desires to specialize, because the partner in charge of that department may not like the personality of the student. Some firms make inquiry about a student's genealogical and religious backgrounds.

Not only do attitudes of firms change over the years, but the outlook of students varies from time to time. Firms that are "in" this year were unable to attract Harvard men ten years ago; some firms that were "in" ten years ago are definitely "out" in 1960, although a few firms have consistently managed to stay "in."

These changes in student attitudes are probably caused by false impressions students get from interviews. A firm may send an unpleasant interviewer one year and ruin its reputation among students for five years. Students tend to identify the nature of the firm with the personality of the man who represents it, for the same reason that firms identify legal ability with high grades; they have nothing else by which to be guided.

Summer Jobs

A growing part of the interviewing process is the spring round of second-year interviews when many



Busy, busy, busy, busy, busy, busy . . .

of the same firms which recruit third-year men in the fall return to entice second year men to summer with them. Student response to this program has been generally favorable. Many report that they received their first insight into legal practice through their summer jobs. Firms find that they frequently get permanent associates through their program. Some lawyers feel more sure of their choice if they hire a man who has spent three months in their office. Partners also admit they enjoy showing a young man what the law is like in practice.

Most firms would like to interview second year men earlier, but Harvard, Yale, and Columbia have agreed not to make their interview facilities available until the spring term of the second year. The reasons for this, explains Miss Appel, are both physical and pedagogical. The placement offices are simply too busy in the fall with third-year interviews to schedule second year interviews. Also, interviews are "very disruptive" of a student's work and the officers of the schools have decided that it would be better not to allow this disruption till after the mid-year examinations.

One of the firms that visits the Law School twice a year has evaluated the time of partners spent in student interviews at \$30,000 a year. Many firms visit 10 to 15 schools, from Harvard to Stanford and from Michigan to Virginia. There are several reasons they prefer to come to the schools rather than wait till the graduate calls

on them. They believe that it is actually cheaper to use \$30,000 worth of partners' time than to allow their work schedule to be interrupted by occasional calls by students and recent graduates at their offices. There is also a competitive element, in that several firms have the feeling that they want a crack at the same men at the same time. They know that the only way to get this is to come to the school. Another is a form of "one-up-manship" which causes firms to come even though they have no intention of accepting a new associate, but they want their competitors to know there are interviewing. This is like the "law-school-manship" rule that one must leave his light on when he goes out Saturday night so his classmates will think he is studying. Partners in some firms like to be able to drop it at lunch that they "just picked up" the note editor of the *Harvard Law Review*, a remarkable status symbol.

Most Opportunities

Despite the fact that most of the time, money, and energy of the placement staff is expended on interviews, the bulk of opportunities for Harvard law graduates do not come in the form of interviews; they come in the form of letters from firms seeking young attorneys. The office maintains a file on all members of the third-year class which indicates preferences in regard to location and type of practice. When a request for a lawyer comes to the office it is referred to each student who has a preference

for the type of opportunity. He can then write to the firm and indicate his qualifications and interest. The firm may pay the student's expenses to visit its office or it may simply suggest that he drop around when he gets a chance.

This process of collecting and distributing information about opportunities is a service that benefits all students, including those who are not Wall Street bait. It is also the principal service that the office can give to graduates who enter military service and seek openings after discharge.

The complex operations of the placement office are the result of a long process of evolution. Dean Roscoe Pound handled placement through correspondence with his many friends in the American Bar Association, an organization which in recent years has done little in placement of law graduates. He also developed a chain of alumni around the country to whom he would refer graduates for advice about particular localities. Some other members of the faculty participated in informal placement procedures through correspondence with friends.

First Placement Office

About 1940 all placement work was concentrated in the office of the Secretary of the Law School. After the Second World War placement became an acute problem, because the Law School was operating 12 months a year and graduating more students than usual, in order to accommodate returning

veterans. Harrison S. Dimmitt, who was then Secretary of the Law School, established the first separate placement office and hired Vice Dean Toepfer to be its first director. Secretary Dimmitt traveled around the country to organize alumni support for the Law School's placement program, while Mr. Toepfer ran the office. [See Harrison S. Dimmitt, "Placement of Law Graduates," 34 A.B.A. Jour. 352 (1948)] At that time there were few interviews at the Law School. Mr. Toepfer concentrated on the collection of information and on advising students where to find what they were looking for. Gradually interviews came into vogue and are now threatening to collapse the old yellow house at 23 Everett Street from the weight of all the people involved.

In addition to the services of the Placement Office, the Harvard Law School Association provides placement advice to students who call on the officers of their local associations in cities all over the United States, and in some foreign countries. Louis Kunin, LL.B. '44 ('47) has devoted one night a week for twelve years to the H.L.S.A. placement service in New York City, Chicago, California, Washington, D.C., and Florida. H.L.S.A. placement committees have also devoted a good deal of time to placement work. In many areas where the Association does not have placement committees, the local officers give counsel to Harvard men looking for openings.

A legal connection is quite different from "a job" in that lawyers become intimately associated for life; consequently, neither the Placement Office nor the Harvard Law School Association placement committees pretend to find "jobs." Instead they concentrate on the collection and dissemination of information about available openings and about the Harvard men likely to fill these openings.

— Manley

Calendar

Continued from page 2

Habashy, Legal Adviser to the Arabian-American Oil Co., will

speak on "The Importance of Arbitration as a Means for the Settlement of International Disputes."

The **HARVARD LAW WIVES** will meet at 7:30 p.m. in Harkness Commons. This meeting is a re-scheduling of the Poet's Theatre. People from this group will present dramatic readings from plays they have done in Cambridge this past year.

Current Events

Various firms are now interviewing second-year students for summer jobs. Interested students should watch for the notices and inquire at the **STUDENT PLACEMENT OFFICE**, 23 Everett Street, for further information.

The **HARVARD OPERA GUILD** is presenting Mozart's "Abduction from the Seraglio" at 8:30 p.m. in Agassiz Theatre on February 26 and 27.

The Radcliffe Freshman Chorus and the Dartmouth Freshman Glee Club will present a concert of sacred and secular music at 8:15 p.m. in Paine Hall.

Future Events

The **SOUTHERN CLUB** will hold a luncheon meeting in the Mallory-Smith Room of Harkness Commons at 1 p.m. on Thursday, March 3. Professor Archibald Cox will speak.

SKI EQUIPMENT

Large Variety

TENNIS & SQUASH SHOP

67A Mt. Auburn St.
Cambridge, TR 6-5417

The oral arguments for the first year class in the **AMES COMPETITION** will begin Monday, March 7.

The solutions to the problems in the Qualifying Round of the **WILLISTON COMPETITION** will be due on Tuesday, March 8.

The **LAW-GRADUATE DEMOCRATIC CLUB** will have their annual election of officers on Friday, March 4, in the Wheeler Room of Holmes Hall.

CRONIN'S

30 DUNSTER ST.

Famous for Steaks

Chops & Sea Food

Tenderloin for Two

on Sizzling Platter

\$6.00

Porter House Steak for Two

\$5.00

— SAMPLE DAILY SPECIALS —

Soup or Juice

Roast Rump of Beef

French Fries — Tossed Salad 99¢

Rolls & Butter — Beverage

Dessert

Beers — Wines — Liquors

Tel. EL 4-1366 Jim Cronin, Mgr.

The COOP OPTICAL DEPARTMENT



Offers you accurate and prompt service on all prescriptions. Broken lenses and frames replaced.

Patronage Refund
Third Floor
Take Elevator
TR 6-3000

