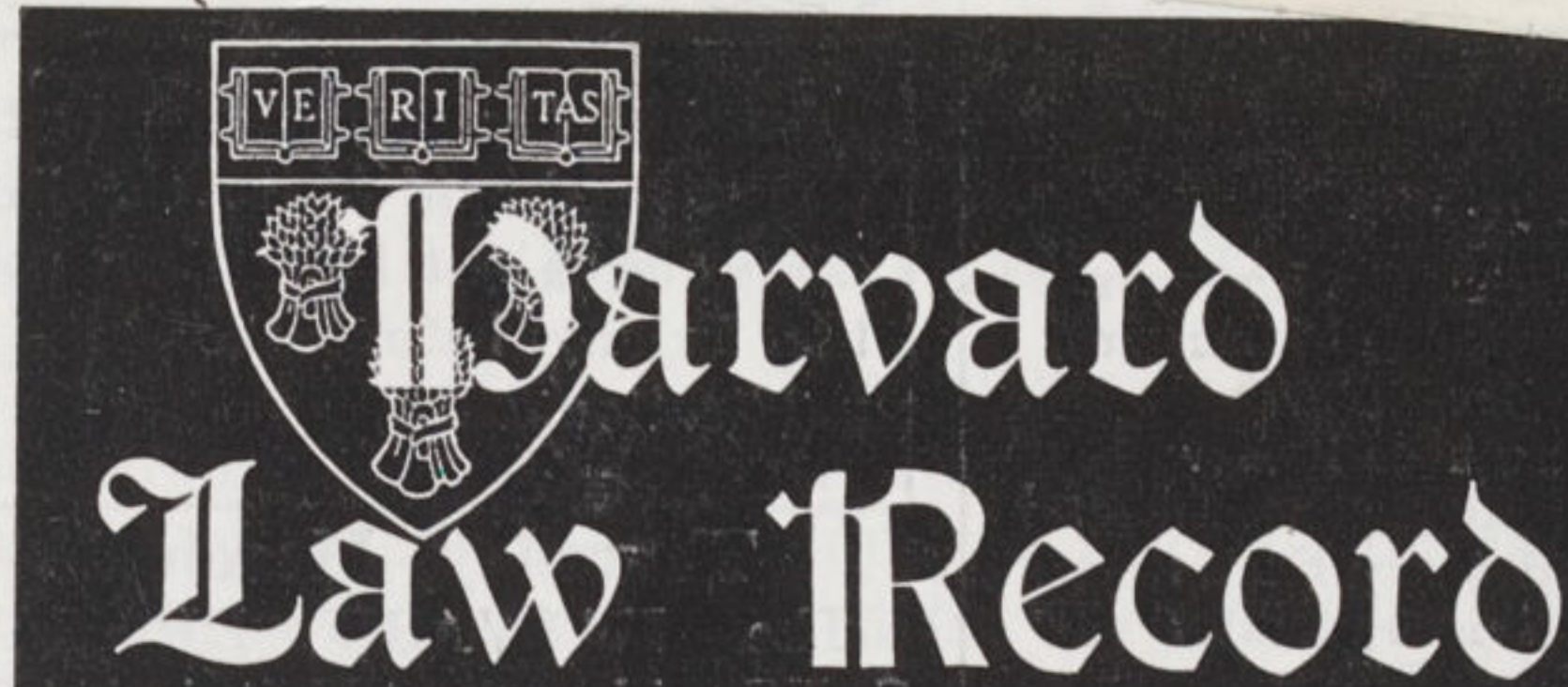




LOCATION:

MAR 10 1960

*"America's Oldest
Law School Newspaper"*
HARVARD LAW SCHOOL LIBRARY

VOL. 30

CAMBRIDGE, MASS. MARCH 10, 1960

NO. 6

International Arbitration Developments

"The Importance of Arbitration as a Means of the Settlement of International Disputes" was the topic of Dr. Saba Habashy's address before the International Law Club last week.

The speaker, a former cabinet minister in the Egyptian government, was introduced by Professor Stephen Schwebel as "the most trusted of middle Eastern lawyers from the western point of view" and as "a man of supreme integrity and unmatched ability." At present, Dr. Habashy, a knight of the British Empire, is the legal advisor to Aramco and teaches Middle Eastern law at Columbia.

In reviewing the recent developments in international arbitration, Dr. Habashy asserted that "international tribunals do more than apply the law—they help build the law." In this respect, he referred to the Consortium Agreement of 1954, involving the United States, the United Kingdom, France, and Holland. Under this important agreement, in the absence of common principles of law, the parties are to use those principles applied by international tribunals.

Help Foreign Investments

Dr. Habashy explained that no longer does the claim of an individual or a private company have to be espoused by his state in order to be aired. Moreover, a giant corporation, representing thousands of shareholders and a vast concentration of capital, should not be treated as if it were merely an individual. This is particularly true today; for if capital is to flow unimpeded into underdeveloped areas, security must be provided for the investors. "International law must rise up to meet this challenge" and provide a body of laws to govern these new relationships. To

do this, Dr. Habashy suggested a concept borrowed from Dr. Philip C. Jessup, that of "transnational law."

At this point, the speaker cited the Petroleum Law of Libya (1955) as an improvement over other forms of concession agreements involving corporations investing in foreign countries. In this agreement is an innovation intended to compel final arbitration of any dispute. If one party fails to appoint an arbitrator in a tripartite situation, the other party may request the International Court of Justice to appoint a single arbitrator to settle the dispute. There can be no appeal against his award and no way of thwarting the arbitration machinery.

Dr. Habashy also noted the Onassis award in Geneva in 1958. (See the Gallery on Professor Schwebel, elsewhere in this issue, for other considerations of this award.) Dr. Habashy felt that this helped pave another way for insuring security to investment capital by allowing nations to build up a law for these matters.

Approval of Award

For this award, Dr. Habashy expressed his approval of the International Court's finding that it is permissible for the parties to devise *ad hoc* contractual law to govern their relations. This is a desirable "delocalizing" feature.

(Continued on page 6)

Holmes' Life on T.V.

The National Broadcasting Company will dramatize the life of Oliver Wendell Holmes, as part of its American Heritage series on March 20. Boston will see the former Supreme Court Justice and Harvard Law Graduate on Channel 4 at 8 p. m.

Harvard Law Record

ROBERT C. BERRY
 CHARLES G. KADISON JR.
 SYDNEY S. TRAUM
 CHARLES H. BARON
 RUSSELL A. WINSLOW
 BENJAMIN M. GOTTLIEB
 ROY F. BARNITT JR.
 ROBERT E. MANLEY
 PETER J. MCGINN
 MORRIS J. AMITAY
 NEIL I. KILSTEIN

President
 Editorial Manager
 Business Manager
 News Editor
 Features Editor
 Photography Editor
 Advisory Editor
 Advisory Editor
 Copy Editor
 Ass't News Editor
 Advertising Manager

Associate Editors

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

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. Braun-
 stein, John Martin, Justin Heatter, Allan W. Drachman, Harry E. Meyer,
 Paul Matia.

Published weekly on Thursday for twelve weeks of each term by THE HARVARD
 LAW SCHOOL RECORD CORPORATION, 23 Everett St., Cambridge 38, Massa-
 chusetts. 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. In-
 dividual copies 10c each at the Law School, 20c each mailed. Business and editorial
 offices, 23 Everett St., Cambridge 38, Massachusetts. Telephone UNIVERSITY 8-7600, ex-
 tensions 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

Another record was set last Friday with the heaviest snowfall in
 the annals of Boston. Reaction to it in the Law School met the finest
 of traditions, with nearly everyone determined to carry on his normal
 routine.

One of the first men to arrive at Langdell Hall was Dean Pound
 who walked through waist-high drifts. Austin P. Frum, 2L, Cleve-
 land, Ohio, who recently broke both legs, dragged himself to Lang-
 dell on crutches, having wrapped both casts in cellophane to protect
 them from the wet snow. Professor Byse, not to be outdone by his
 students, also came on crutches, a result of his recent toboggan-induced
 sprained leg. Vice Dean Toepfer drove 30 miles in his four-wheel
 drive truck. Other professors and students walked miles to their
 classes, despite the breakdown of normal means of transportation.

It is true that a few early classes were cancelled because the in-
 structor was fighting the elements to make his way to Langdell, but
 by noon it was hard to see any noticeable effect of the storm on the
 Law School, except for the long line at Harkness, induced by a greater
 than usual demand and the absence of a few serving ladies.

Meanwhile, across the river the Business School locked its doors
 early, one representative of the Law School being expelled from one
 of its libraries in the early afternoon, because of the storm. It is
 truly satisfying to see that the law holds a greater attraction for its
 student, than does the art of making money.

P. S. The Medical School also closed.

CALENDAR

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

Thursday, March 10

The HARVARD DRAMATIC
 CLUB will present Voltaire's "Can-
 dide" in Agassiz Theater at 8:30
 p. m. on March 10, 11, 12, 17, 18
 and 19. Tickets can be obtained at
 the Coop.

Friday, March 11

The LAW SCHOOL FORUM
 will present Congressmen Walter
 H. Judd and Charles O. Porter in
 a discussion entitled "Change in
 our China Policy?" in Lowell Lec-
 ture Hall at 8 p. m. Professor Al-
 len Cole of the Fletcher School of
 Law and Diplomacy of Tufts Uni-
 versity will be the moderator. This
 is the Forum originally scheduled
 for last Friday.

The INTERNATIONAL LAW
 CLUB will meet at 4 p. m. in the
 Wheeler Room, Holmes Hall. Mr.
 Israel Gal-Edd, Deputy Director
 of Internal Revenue of Israel's
 Ministry of Finance, will speak on
 "Some Considerations About
 Double Taxation Conventions Be-
 tween Developing and Industrial-
 ized Countries."

The SOUTHERN CLUB will at-
 tend a fried chicken dinner at Wel-
 lesley College. Departure will be
 at 5 p. m. from Chancery Club.

Sunday, March 13

The SAINT THOMAS MORE
 SOCIETY will hold a Communion
 Breakfast at 10 a. m. in the
 Mallory-Smith Room of Harkness
 Commons. Father Raymond Smith,
 O. P., will speak on "Natural Law."

The FORD HALL FORUM will
 present Mikhail N. Smirnovsky,
 Counselor of the U. S. S. R. Em-
 bassy in Washington, speaking on
 "The Soviet Union and Its Foreign
 Policy" at 8 p. m. in Jordan Hall.

Tuesday, March 15

Election of officers of the CLASS
 OF 1960 will be held during Prop-
 erty II classes.

The first argument in the AMES
 QUARTERFINALS will be held.

(Continued on page 16)

School Committee Strife

Extended to Attack on Harvard

"Harvard is not in the Cambridge School Department, and I don't want them here. We spend enough money on our children so that they don't have to be used for educational experiments." These were among the remarks made by Cambridge School Committeeman Daniel J. Hayes at the March 1 meeting of the Cambridge School Committee — the meeting at which Hayes was to have Assistant Dean William S. Barnes "disciplined" for the use of a dictaphone in a school interview. (See RECORD, March 3, 1960)

At that meeting however, Dean Barnes took the initiative during the "New Business" segment by reading a prepared statement to the group outlining his position on the matter. In the statement, he presented his version of the facts of the interview and then stated that, although he did not want to "ridicule" Mr. Hayes, he did think it "inexcusable" of Hayes to have gone to the newspapers with the story before asking him (Dean Barnes) for an explanation. He added that the matter had brought out into the open an "unhealthy atmosphere of suspicion and lack of mutual trust" that exists in the Cambridge School system. Dean Barnes then asked the members to show greater cooperation with each other and pledged himself to do the same. He also accepted the apology which had not as yet been made by Mr. Hayes.

Part of Conspiracy

In reply, Mr. Hayes averred that the recorder incident was only a part of a conspiracy by the Harvard Graduate School of Education to get a "foothold" in the Cambridge school system. He read from a report by the Ford Foundation's Fund for the Advancement of Education. This report described how Harvard had cooperated with other public school systems in the area; it also spoke about "a new experimental program" for the development of educational administrators, a program which involves the "recruiting of competent and imaginative young people from outside the education system to serve as 'understudies'." It was then that Mr. Hayes, who is a bachelor, declared that he did not want "our children" to be used as

guinea pigs for any experiments, and implied that Dean Barnes was a Harvard fifth columnist.

Mr. Hayes then moved that the use of mechanical recording devices in interviews be prohibited by the School Committee. The motion was tabled when one member objected to taking immediate action because he wanted more information on the subject. The meeting was then adjourned.

Outsider's View

In order to get an Outsider's view of the meeting, the RECORD conducted an interview with Mr. Reevan Spiller, a Cambridge parent who has been very active in school affairs. Mr. Spiller stated that he and the parents with whom he had been sitting at the meeting were forced to laugh when Mr. Hayes was reading from the Ford Foundation report. They laughed because the object of the Harvard "conspiracy" sounded so very desirable.

Mr. Spiller found it very hard to explain why Mr. Hayes was attacking Harvard so heavily, especially since he had cooperated so closely with the Cambridge Civic Association and its liberal views during the first two years of his service on the Committee. The only theory Mr. Spiller could advance was that Mr. Hayes had attributed his waning popularity among his original supporters, as evidenced by the fact that he had won his last election by a very narrow margin, to his cooperating with the C. C. A. liberals. Thus it was felt Hayes had decided to stay on the Committee by going conservative and anti-Harvard.

Mr. Spiller's theory seems to have been embraced by others in Cambridge. The *Cambridge Chronicle and Sun* of Thursday, March 3, ran an editorial called "That Recorder Rumpus." After chiding Dean Barnes for his indiscretion, the editors went on to voice concern with Mr. Hayes's behavior and concluded by saying: "We like Dan Hayes and have no hesitation in saying he has been a good member of our school committee. His charges in the tape recorder case are not in character with his previous conservative and constructive policy as a board member. We

suspect he may have come to the conclusion that his previous policy didn't pay off at the polls, and that a more aggressive policy would help him the next time around. There is no question that newspaper publicity can help a candidate, but it should always be remembered that publicity is a two-edged sword. If used wisely, it can help; otherwise not."

— Baron

Democrats Elect New Officers

David W. Adamany, 2L, will head the Harvard Law-Graduate Democratic Club for the coming year. His selection was one of a new slate of officers chosen at a meeting of the Democrats last week.

Serving with Mr. Adamany will be: Steven R. Rivkin, 1L, Hyde Park, Mass., Vice-president and Treasurer; Barbara Bronson of the Graduate School, Recording Secretary; Floyd V. Smith, 1L, Seattle, Wash., Corresponding Secretary; and Glen Camp, of the Graduate School, Member-at-Large of the Executive Committee.

David Adamany comes from Green Bay, Wisconsin, where he has been active in the Democratic party since shifting from the Republican side during the McCarthy era. He is a graduate of Harvard College, *magna cum laude* and former president of the College's Young Democratic Club. He has been a county campaign manager for Senator Proxmire in Wisconsin, and was state campaign manager for Attorney General John W. Reynolds of Wisconsin. At the Law School, Mr. Adamany is a member of Lincoln's Inn.

Brief and Oral Winners For First-Year Ames

The Board of Student Advisors has announced the names of the students having the best oral argument and the best brief in the first round of the first year Ames Competition. In a two-way tie for the prize for the oral argument were Louis L. Hoynes, Indianapolis, Indiana, and Charles F. Waite, Glendale, California, with scores of 78. The top-ranking brief was submitted by Sarah B. Reynolds, Pittsfield, Massachusetts, while the second place award went to Ronald E. Heinlen, Delaware, Ohio.

Although the Board chose the argument winners strictly on a score basis, it organized a committee to read all the briefs receiving scores of 74 and 75 in order to select the winners in the brief-writing category.

Alumni Notes

LL.B. '17 — Benjamin F. Goldstein has removed his Law Office to 190 East Pearson Street, Suite 501, Chicago 11, Illinois.

LL.B. '48 — Albert A. Blinder has resigned from the Bronx County District Attorney's Office, where he served as an Assistant District Attorney, and has become a partner in the firm of Saxe, Bacon and O'Shea, 20 Exchange Place, New York, New York.

LL.B. '50 — Jack L. Goodsitt is a member of the firm of Goodsitt & Goodsitt which has moved its offices to the fifth floor, Mason Building, 225 East Mason Street, Milwaukee, Wisconsin. He has also been appointed a circuit court commissioner.

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

OVER 30 YEARS AS A
CAMBRIDGE FORD DEALER

Elbery Motor Co., Inc.

Authorized
SALES FORD SERVICE

IMMEDIATE LUBRICATION SERVICE

Corner Memorial Drive 360 River St., Cambridge Phone KI 7-3820

Rights in Foreign Territories

Dr. Ferenc A. Vali addressed the International Law Club's discussion group meeting recently on "Recent Aspects of Rights in Foreign Territory."

The Hungarian-born speaker is a former professor of international law in Budapest. In 1951, he was arrested and imprisoned by the Communist regime. Nevertheless, in 1956, he actively participated in the heroic, but ill-fated, Hungarian uprising.

His talk dealt with instances where one country has certain territorial or economic

according to Dr. Vali. In noting the increase in the number of these relationships in the past twenty years, he explained that it is the substance, not the denomination of those relationships, which is important.

Dealing with specific problems arising out of rights in foreign territories, Dr. Vali noted two particular cases. One was the *North Atlantic Fisheries Arbitration*, arising between the United States and the United Kingdom in 1910. The other, a recent case now awaiting final determination, concerns Portugal's rights of transit from two of its tiny enclaves inside India to the sea.

Dr. Vali also mentioned the accommodation reached by Sudan and Egypt concerning river rights; the treaty between Germany and the Netherlands dealing with a Dutch coal mine extending underneath German territory; and the oil pipeline agreement reached by Iran and Turkey. The speaker also mentioned a most recent development concerning United States acquisition of missile lanes through the airspace of foreign states in the Caribbean.

Limited Sovereignty

United States rights in the Panama Canal Zone were described as another type of right, that of "limited sovereignty." This involves administration by the U. S. government, but also the retention of residual rights by Panama. Because of this, the United States could not cede the Panama strip to a third power.

As to the genesis of these agreements, Dr. Vali emphasized that a grant is usually a compromise between the rights of a sovereign state in its own territory and the need of another state to fulfill a strategic or economic need.

— Amitay



Dr. Ferenc A. Vali

rights in another country. He began by distinguishing between those rights in foreign territories established under general international law and those created by treaty. As examples of the former, Dr. Vali cited diplomatic immunity, innocent passage, and rights of visiting forces. Quite often the rights created by treaty concern economic rights, such as fishing, mining, transit and free ports. However, there are also military rights, created by treaty such as bases and proving grounds.

These rights are often described as a "doctrine of servitudes." This is unfortunate,

N. J. Justice Cites State's Opportunities

The bench and bar of New Jersey have been disturbed that many able Harvard Law graduates are not returning to their home state in view of the splendid opportunities there. Justice Jacobs of the New Jersey Supreme Court made this observation at a cocktail party given in his honor recently by Harvard law students from New Jersey.

Though the Justice, a former note editor of the *Law Review*, mentioned that New York offered larger financial rewards to the young lawyer, he emphasized that New Jersey has some unique opportunities in the field of public law. In particular, the Governor of New Jersey has often sought Supreme Court recommendations for young lawyers for state executive appointments. The Justice recalled several instances in the last few months when the Court had heard able young counsel in argument before it and had subsequently recommended them to the Governor. One of these young attorneys was made counsel to the Governor, and another was appointed as New Jersey's representative to the New Jersey-New York Waterfront Commission.

In response to a question on the need for the young lawyer to go into politics to get ahead, Justice Jacobs commented that active party politics is not at all essential. He stated that many of the recent appointees to various legal posts had not been in active politics. In his own case, Justice Jacobs mentioned he had never attended party meetings, although he held positions in several state executive agencies before his appointment to the bench.

On another question, that of applying *stare decisis* rigidly, Justice Jacobs warned that the present New Jersey Supreme Court will reexamine any common law doctrine which is out of line with modern social needs. He expressed surprise that some of the younger members of the bar were disturbed by the Court's willingness to overrule unsound law.

Returning to the situation in New Jersey for beginning lawyers, Justice Jacobs noted that of the 21 Harvard Law graduates who took the bar examination for the first time this past October, 21 passed.

— Kraemer

Chancery Elections Held; John R. Quarles, President

Chancery Club has a new Chancellor. John R. Quarles, 2L, Wellesley Hills, was elected to the post at a meeting last Saturday afternoon at Phillips Brooks House.

Other officers elected were George B. Martin, 2L, Royal Oak, Mich., Vice-chancellor; John G. Gillis, 2L, Detroit, Mich., Secre-

tary; and Charles C. Collins Jr., Ridgewood, N. J., Alumni Secretary. The new Members-at-Large are Carl L. Taylor, 2L, Washington, D. C. and M. Finley Maxson, 1L, Keene, N. H.

The same evening, to celebrate the elevation of the new dignitaries, a banquet and dance were held at the Chancery Club, 9 Chauncy Street.

International Arbitration

(Continued from page 1)

ture which can be used to plug gaps in existing municipal law. At the same time, it will allow the governing law to coincide with the economic milieu of the region where the agreement is to be enforced. Most important, though, this procedure takes the contract out of the jurisdiction of the governing state and subjects it to "transnational" and international law. This significant limitation upon sovereign immunity leads to a greater equality of the parties.

In response to a question regarding the lack of cases before the International Court of Justice, the speaker expressed a belief that although the doors of the Court should be opened more, they should nonetheless be limited to cases of "world-wide interest."

Dr. Habashy also warned against resorting to diplomatic channels for solving conflicts while judicial remedies were still available. In order to be free of "decisions of diplomats," he advised "trying to solve your own problems without having recourse to your government representatives."

— Amitay

The RECORD will now take classified ads.

Place your classified ad in the RECORD to: buy and sell textbooks, furniture, automobiles; list apartments for rent, and apartment rentals wanted; find something lost; or other notices. Classified ads of 25 words or less will be accepted for \$1.00 per insertion.

Positions Wanted and Situations Available listings, with confidential box number and referral service, will be accepted at \$1.50 per insertion of 25 words or less.

Take advantage of the 7000 Harvard Law Alumni and all the law students who read the RECORD.

In order to be inserted in a particular issue, all classified advertisements and placement listings must be received by the Friday preceding publication, with payment enclosed.

Caryl Chessman Should Live

The case of Caryl Chessman must surely be termed a classic. It is something unparalleled, a concoction of the most improbable circumstances. Yet it happened; and the courts have had to deal with it. The result: Caryl Chessman has narrowly averted death for 12 years, has been sentenced to die nine times and has been granted nine stays of execution, has outlived the judge who tried him and a number of the jurors who sentenced him. Yet he lives to fight his cause in the courts and before the public.

These ensuing years since the trial in 1948 have left armchair judges and executioners aligned on both sides of the fence. Should Caryl Chessman be put to death? The biases, the emotions, the bitterest of accusations have intermeshed their complicities into this question. As an example, Chessman has become a symbol against capital punishment; paradoxically, he has also become a symbol for capital punishment. Amid all this, however, his fate must still ultimately be determined. What shall it be?

Caryl Chessman should not be executed. This is as simply as it can be stated. Caryl Chessman should not be put to death for the crimes of which he was convicted in 1948. Perhaps there should be life imprisonment — on this we voice no opinion — but there should not be death.

Background of Case

Most people, certainly most lawyers, are familiar with the background of this case. Its many aspects have been scrutinized in the newspapers, legal commentaries, Chessman's own two books, *Cell 2455*, *Death Row* and *Trial by Ordeal*, and previously in the RECORD. (See issues of February 28, 1957 and March 7, 1957.)

Caryl Chessman was arrested after a wild chase on January 23, 1948. He was charged with committing a series of robberies, most notable of these being dubbed the "red light" crimes because of a spotlight used on the robbery car. Crucial to the 17 felony counts on which he was arraigned were those charging him with molesting and harming the female victims. Under the Little Lindbergh Statute in California, such actions in the

perpetration of a robbery were punishable either by death or by life imprisonment without the possibility for parole. On these charges Chessman was tried. After 30 hours deliberation by the jury, including a requested recharge by the judge as to what was specifically meant by life imprisonment without possibility for parole, Caryl Chessman was sentenced to die.

With the jury's verdict there can be no argument. There is no attempt here to say that Chessman did or did not commit those crimes. It is the conduct during the trial and the circumstances arising after the jury's verdict on which we contend that Caryl Chessman should not be executed.

Justice Foundered

Somewhere in that complex and many-angled case, the wheels of justice foundered. Its intricate machinery clogged and broke down. Largely this resulted because too many unnecessary circumstances intervened, annihilating a clear and objective approach to the trial and the subsequent appeals. Caryl Chessman's true innocence or guilt has resultingly been buried. It has become humanly impossible to determine the facts "beyond a reasonable doubt." But, it should be emphasized, we are not speaking of the facts presented at the trial concerning the identification of Chessman as the felon or not. The jury weighed those facts. We are speaking of the facts raised by circumstances during and after the trial, those dealing with issues of criminal procedure.

These issues have raised many doubts. There was first the trial itself, where Chessman, for whatever reasons, legitimate or otherwise, chose to plead his own case. This resulted in alleged abuses by the prosecutor during the course of the trial, abuses serious enough to cause a mistrial in the normal situation, but held not sufficient in Chessman's case [or so said the majority opinion of the California Supreme Court, *People v. Chessman*, 38 Cal.2d 166, 177, 238 P.2d 1001, 1008 (1951)]. Though this ruling was made by the highest court of California, we would argue against it, agreeing instead with the

vigorous dissent registered by a minority of that court. This dissent argued against the sort of double standard seemingly invoked in this case. If one set of criteria is applied in most cases, a stricter standard should not be reserved for Chessman. Otherwise, equality before the law becomes hollow and false.

Recorder's Death

Another twist to this already twisted case came when the court reporter died shortly after the trial, leaving two-thirds of his notes untranscribed. Although certain experts testified that the notes could not properly be translated by a third person, the judge chose to accept the view of the other experts who testified that the notes were capable of transcription.

Actually a man had already been appointed to unscramble these notes. The uncle of the prosecutor was selected — the *uncle* of the prosecutor! — and this occurring in a case where the bitterest of emotions inflamed participants and onlookers alike. Furthermore, this uncle later admitted consulting his nephew several times about the notes, but Chessman could only make written objections after the notes were transcribed.

Whatever the attempts at objectivity the uncle made, whatever the professed results, are there not doubts? Can a man's life be dealt with so loosely as to subject him to even the remotest possibilities of prejudice? This was leaving the door wide open and gaping.

Courts at Fault

The complexities of this case go on and on, building higher that wall against objective ascertainment. Bit by bit the confusions have multiplied. Many of them, no doubt, have been caused by Chessman's own actions. But this man is fighting for his life, and if the courts cannot handle the smoke screen that he throws up, then it is the courts, not he, that are at fault.

In 1951, California passed an amendment to its Little Lindbergh Law. Prior to this, at the time of Chessman's trial, a robbery where harm resulted to the victim was punishable by death if the victim was either detained or carried away. The 1951 amendment modified this, striking out robberies where the victim was merely detained. It has been contended that this amendment should have retroactively applied to Chessman's case. Although there was strong precedent for this in Chessman's favor, the courts of California

did not even get to this question. Instead, they ruled that the jury's verdict imputed that Chessman did carry away his victims. *People v. Chessman*, 38 Cal.2d 166, 190, 238 P.2d 1001, 1016 (1951). But they based this on the facts as they viewed them, not as the verdict forthrightly declared. Indeed, the verdict was ambiguous. A new trial should have been ordered at this point.

So many of these objections have revolved around a new trial. This, Chessman never received. Now, today, the granting of a new trial would raise the greatest hurdle of all. A new trial would surely be unfeasible with these 12 years having elapsed. For what of the witnesses, the robbery victims? One female victim has since been admitted to an insane asylum. And what of people's memories, construed as they must be by the obliterations of time and the narrowness of opinions developed since the original trial. There can surely be no new trial, not at this date. That would be adding hopelessness to futility.

Arguments Omitted

This discussion has carefully omitted any arguments directed at capital punishment itself — whether it should be applied where there has been no murder, where it would be exacting more than an eye for an eye, or whether capital punishment should ever be invoked. It also has omitted the very human appeal that Chessman has been subjected to cruel and unusual punishment, being confined to death row for 12 years, being made to live on an edge of morbid uncertainty. These have been omitted because capital punishment is presently the law in California, and we have sought only to point out where the law has failed, not how it should be changed. But even with leaving these arguments aside, the case against death seems ruling.

Our criminal processes have failed in the case of this one man, Caryl Chessman. There has been, and inevitably will be, a failure to extract a solution perfect beyond doubt. Time has now intervened, and this can raise the greatest doubts of all. There seems no choice but to let him live. If the courts cannot do it, then let the Governor of California take the initiative. But let there be action.

Otherwise, at this date, the gas chamber would be making of Chessman a scapegoat for the law's own falterings.

Gallery

Assistant Professor Stephen M. Schwebel brings to his teaching at the Harvard Law School an exceptional depth of experience in international law, having pursued his interest in international organizations and affairs in his studying, his writing, and his legal practice since his undergraduate days at Harvard. He is currently presenting a course in International Protection of Foreign Investments, along with his course in Commercial law.

Graduating from Harvard College in 1950, *magna cum laude* and a member of Phi Beta Kappa, with highest honors in Government, he had already compiled a record of experience in United Nations activities. Founder and chairman of the United Nations Council of Harvard, he was also president of national and international student groups concerned with the United Nations. During that time, and thereafter, he travelled extensively in connection with his work, visiting the Far East and Africa, as well as Europe (including the Soviet Union).

Studied at Cambridge

The year after his graduation from Harvard, Professor Schwebel studied at Cambridge University as a Frank Knox Fellow of Harvard University, receiving a "First" in the LL.B. examinations in international law. He then entered Yale Law School where he continued to take an extensive interest in several outside activities. In the fall of his second year, he accepted an invitation of the United States Department of State to lecture for three months in India on American foreign policy and institutions. The summer of 1953 found him in Norway for three months serving as drafting assistant to Mr. Trygve Lie, the first Secretary-General of the United Nations, in the writing of Mr. Lie's memoirs, *In the Cause of Peace*. This had followed the publication, during the preceding year, of his own book, *The Secretary-General of the United Nations: His Political Powers and Practice*.

Receiving his LL.B. degree from Yale Law School in 1954, Professor Schwebel was an associate with the Wall Street firm of White & Case until June, 1959, when he left to come

to the Law School. He notes that, like other young attorneys, he spent his first year there in the "bullpen," working on a variety of problems. Trusts, corporate and labor law, and banking, as well as some tort problems, all found their way to his desk.

International Problems

From the outset, however, a considerable portion of his time was devoted to problems of international law, and to one case in particular. This was an arbitration between Ar-



Stephen M. Schwebel

amco and Saudi Arabia that involved a successful attempt to prevent Saudi Arabia from — as the arbitral tribunal found — breaching its contract with the Arabian American Oil Company by extending to Aristotle Socrates Onassis virtually exclusive rights to transport oil from that country. Mr. Schwebel recalls that White & Case's client, Aramco, wished to continue to sell oil to be shipped on tankers of the buyers' choosing, and their contract with the Saudi Arabian Government, as the company saw it, allowed this. The Government did not so interpret the Aramco Concession Agreement.

The briefs and record in this arbitration ran to nearly a dozen volumes, and the litigation lasted four years. The arbitral tribunal, which sat in Geneva under the chairmanship of a distinguished Swiss professor, ruled in favor of Aramco's contention.

Asked to comment upon the study of international law, Mr. Schwebel compared it to the study of Constitutional Law — important as part of the general education of a lawyer and in itself. "One cannot always count upon applying everything he learns here in practice; yet the training in any case is valuable in providing insights into domestic law. Although the percentage of international law practice is still small, it appears more and more frequently in the practice of the large firms and of some of the smaller ones." As an indication of this, Mr. Schwebel noted that the firm with whom he was associated now has one of its newest men specializing in problems of the European Common Market. Moreover, "International Legal Studies," as that term is used at the Law School, embraces a much wider area of practice than does public international law alone.

Today's Position

"A practical aspect of training in International Legal Studies," he added, "is that it was taught very little in the years when today's senior partners were in law school, and is not widely taught even today. Thus, the man who can find the sources of international law and can grapple with a problem in international transactions, when such a problem arises in his firm, is at an advantage. As the American economy becomes increasingly intermeshed with other economies, the importance of International Legal Studies will grow larger still."

In a suggestion to third year men, Mr. Schwebel observed that he would not yet advise a student to emphasize unduly his interest in international law during a job interview. The interviewer — who possibly may not recognize an international problem when he sees one — might think the student had his eyes on "a good time in Paris!" After becoming associated with a firm, however, one should let it be known that he has some training and familiarity with international legal transactions, so that he can be of value to the firm when such problems arise. Professor

Schwebel interjected the *caveat* that the best international lawyer is the one who can handle domestic law well, since many international problems, particularly those encountered in private practice, intertwine with domestic law sources and analogies.

"Private law firms," he continued, "do not provide the only opportunity for international practice. A number of graduates of the Harvard Law School are now working for the Government, in the Department of State or Defense, or the Economic Cooperation Administration. International organizations, too, provide a few opportunities, but these positions are difficult to obtain since the applicant is competing not only against others from this country but against candidates from foreign countries as well. House counsel for large corporations with foreign business are another source of international legal work."

Past Experiences

Reminiscing on his experiences, Mr. Schwebel noted that he had advised the Togoland Congress, a political party in what is now Ghana, at the United Nations General Assembly; given an opinion to two Israeli oil companies in a suit against the Soviet State Petroleum Export Company in arbitration proceedings in Moscow; and worked with a few United Nations delegations on a boundary dispute, among other matters. White & Case gave him a month to work as a counsel for the criminal division of the National Legal Aid Society in New York — an experience that he found "a legal, and still more, sociological eye-opener."

Remarking that New York is an immensely provocative city, he said that he had enjoyed practice there very much, finding Wall Street to be a world of its own where he often saw on the street familiar faces. His solution of the oft-noted New York transportation problem was to find an apartment near enough (Washington Square) so that he could walk to work. But, as much as he enjoyed practice, he reports that he is very pleased to have turned to teaching, in a community for which he has had a "particular affection" since his undergraduate days. He describes teaching, and the opportunities for legal scholarship which teaching affords, as having "great appeal."

— Winslow

Tax Thoughts From Abroad

Drawing upon his knowledge of tax practices in other countries, the author, in this article, illustrates various solutions to common tax problems. Though not necessarily advocating United States adoption of foreign practices, Mr. Norr notes the desirability of an international exchange in tax ideas.



Mr. Norr

BY MARTIN NORR

Should the dividend exclusion and credit provided by the Internal Revenue Code be raised from \$50 and four per cent to \$100 and ten per cent? That is what Minnesota Mining and the New York Stock Exchange want. Or should both be abolished? That is what Senator Paul Douglas wants.

Without taking sides in that controversy, let it be pointed out that exclusion and credit provisions are not the only solutions to the problem—assuming that it is a problem—of the double taxation of corporate income, once when earned by the corporation, once again when distributed as dividends. There is growing interest abroad in another answer: that of making dividends paid deductible from corporate income, just as interest is deductible. This is not a new mode of attack; the idea is well known to economists.¹ What is new is the fact that the solution was adopted not long ago by France and is being seriously considered in two other countries—Sweden and Israel. These foreign proposals may throw some light on the United States' problem.

This but illustrates the point that there is an important international traffic in tax ideas. However, if anything, the outbound current from the United States is more significant than the inbound. The U. S. tax structure is having and has had considerable impact on the tax systems of other countries.

To take a major example, the United States foreign tax credit has been adopted both by the United Kingdom and Germany. To take a minor example, the U. S. new Life Insurance Company Income Tax Act of 1959, extending the reach of the income tax to underwriting profits as well as to investment profits, is attracting considerable attention abroad. (With an important assist from Dean Griswold in clarifying the intricacies of that Act for us, my Swedish collaborator and I have written a summary of the new United States scheme for a Swedish tax journal; life insurance is as important there as here.)

Not Alone

Of course, the United States is not the only participant in this international tax traffic. India, Israel and Ceylon all draw tax ideas from

Sweden's sophisticated system. The Ministry of Finance in a Central American republic wants a memorandum on the Swedish net wealth tax. The French income tax law, adopted just before World War I, was modeled after the Prussian income tax. Reversing the process, Germany is now considering dropping its own turnover tax in favor of the French value-added tax.

As international communications improve (Raymond Vernon, Professor of International Trade and Economics at the Business School, suggests that the airplane and the resulting ease of travel may have more to do with increasing American investment in Europe than the Common Market) the cross-ferti-

Martin Norr, Research Associate at the Law School and an Editor of the Law School's World Tax Series, recently published Taxation in Sweden, written by him in collaboration with Frank J. Duffy (LL.B '56) and Harry Sterner, a distinguished Swedish tax expert and writer. Mr. Norr is now at work, with French and Belgian collaborators, on Taxation in France and Taxation in Belgium.

zation of tax systems should increase. The Law School's International Program in Taxation and World Tax Series will play their part.

European economists sometimes express fear that the Common Market will bring the dread spectre of cultural uniformity to Europe. But the international tax expert is a long way from having to fear any horrid spectre of tax uniformity. And despite the difficulties of transplanting tax ideas from one economic, political and social climate to another, it can at least be ascertained what other countries do, why they do it, what the results have been, and what the cost of adoption might be.

Not to Advocate

In every case, however, there is one point that must be made emphatically clear. To report a foreign tax development is not necessarily to advocate it for the United States.

For example, to know that Iceland is now considering abolition of its income tax (it is said the tax makes fishing captains stop fishing about September of each year)² is not to recommend that the United States should, or could, abolish its income tax.

Certainly, tax laws are not an export commodity; but there are other countries in the world with problems not always different from those of the United States. Many of these countries must survive, develop, tax and expand in very harsh conditions. They consequently have had a long time in which to develop rational solutions to common problems. The United States may be able to learn from them, and some

of the steps these countries have recently taken may be considered.

However, it must not be overlooked that the adoption of a foreign solution to a tax problem requires compensating adjustments elsewhere in the system. There is always a bill to be paid. Whether the process of adjustment and the amount of the bill are worthwhile depends on a balance of all considerations in the particular case.

French Approach

With that *caveat* established, the taxation of corporate earnings and dividends, and the French solution thereto, can now be discussed more fully. France's basic approach is like that of the United States. Corporations pay a 50 per cent income tax on earnings and receive no deduction for dividends paid. Dividends are fully taxable in the hands of individual shareholders, who receive no credit for the income tax paid by the distributing entity on its own earnings.

A crack in this structure appeared in 1957. In that year Parliament authorized the government to take steps to stimulate savings and expansion by granting "fiscal advantages" (i. e. lower taxes).³ One of the first steps was to permit certain corporations, within certain limits, to deduct dividends paid from taxable income.⁴ The dividends-paid deduction is available only to those corporations which agree to cooperate in certain government-sponsored plans for the modernization and development of the French economy, and it is not available for pre-existing share issues. The deduction relates only to new equity capital, paid up in cash. To qualify, a new corporation

must be organized, or an existing corporation must issue new shares, before December 31, 1961. For existing corporations, there are provisions restricting "wash" transactions: a corporation cannot call in old shares with one hand, while issuing new shares with the other.

Launching Costs

The annual deduction is limited to five per cent of the amount paid in for the new shares and is available only for seven years. For existing corporations, the first year of the seven-year period is the year in which the new shares are issued. For new corporations, the first year of the period is not the first year of the corporation's existence but the fourth year. This is designed to let the corporation get over its initial losses and what the French call "launching costs." The deduction will then be available for years four to ten inclusive.

The French scheme does not affect the taxation of dividends in the hands of individual shareholders. But when a corporation holds shares in another corporation, there are circumstances under French tax law — largely parent subsidiary cases — in which some intercorporate dividend exemption is available. To avoid "cumulating two favorable regimes," dividends which qualify for the intercorporate exemption may not also receive the benefit of the new dividend deduction.

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

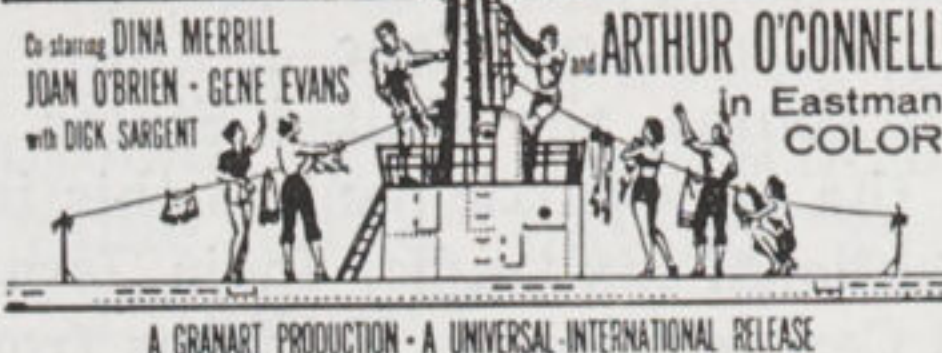
• UNIVERSITY •

Harvard Sq. UN 4-4580

Continuous Daily from 1:30

Now — Ends Tues. March 22

CARY GRANT • TONY CURTIS "OPERATION PETTICOAT"

Co-starring DINA MERRILL
JOAN O'BRIEN • GENE EVANS
with DICK SARGENT
and ARTHUR O'CONNELL
in Eastman
COLOR

A GRANART PRODUCTION - A UNIVERSAL-INTERNATIONAL RELEASE

Weekend

Entertainment

BRATTLE — Room at the Top —
3:30, 5:30, 7:30, 9:30.

UNIVERSITY — Operation Petticoat — 2:45, 6, 9:15.

BOSTON

TELEPIX — The Cousins — 11:30,
1:30, 3:30, 5:30, 7:30, 9:30.

EXETER — The Magician — 2:00,
3:50, 5:45, 7:35, 9:30; This Is
Farmborough — 3:40, 5:30, 7:25,
9:15.

UPTOWN — Gazebo — 1:25, 5:40,
9:55; A Place in the Sun —
11:15, 3:30, 7:45.

What is especially interesting about the French scheme is that serious consideration is being paid in other countries to dividend deductibility along the same lines.

Deductible From Income

Sweden, for example, has just appointed an expert committee to look into the question of making dividends on new shares — again not existing shares — deductible from corporate income. Advocates of the idea say it will stimulate the capital markets and promote the use of equity capital by reducing the difference in cost between debt financing (interest paid deductible) and equity financing (dividends paid not deductible). As in the French case the committee will look into the relation between the proposed scheme and the intercorporate dividend exemption. No country seems prepared to give tax relief at both ends of the dividend candle. Swedish financial opinion, incidentally, is far from unanimous about the proposal. It amounts to the differential taxation of distributed and undistributed profits; and that, many companies dislike.

The Israeli participant in the International Program in Taxation — Mr. Israel Gal-Edd, Deputy Commissioner of Internal Revenue — reports that as an encouragement to public investment in Israel corporations, a bill adopting a form of dividends-paid deduction has been approved within the Israeli Treasury and awaits introduction in the Parliament. Under the proposal, dividends would be deductible by the paying corporation as an expense for purposes of the corporation income tax (25 per cent) but not for purposes of the corporation profits tax (28 per cent). Income tax would be withheld at the rate of 25 per cent from the dividend payment for the account of the shareholder; in the case of shares issued to the general public (as distinguished from the case of the family corporation) this 25 per cent would be the shareholder's final tax and he would not be required to pay income tax on the dividend under the ordinary progressive scale. If the shareholder is an exempt person, or if he is

taxable at less than 25 per cent, he may receive a refund.

The Israeli tax system receives special attention from the other under-developed countries of Asia and Africa, since Israel is a unique combination of an under-developed country with a well-developed tax system; perhaps this Israeli idea, if finally adopted, will spread to other countries. Those countries will have to keep in mind, however, that the idea is going to cost the Treasury money, and that money will have to be made up from other taxpayers or other sources of revenue.

Go Other Way

Not all foreign tax developments are designed to relieve taxpayers or promote new deductions. Some go quite the other way. Economists argue as to whether and to what extent the United States deduction for personal interest expense is justified.⁵ France's 1959 amendment law — often called a "tax reform," but perhaps less ambitious than that perennial French phrase might indicate — has just abolished the deduction for personal interest.⁶

France does other things with interest. To solve the problem of excessive interest, the deduction for interest paid on loans from shareholders is limited to the Bank of France rate, plus two percentage points (in any event, this has permitted nine per cent deductions in recent years). To solve the problem of the "thin" corporation, no deduction may be made for interest on loans from those who "in law or in fact" control a corporation to the extent that the loans exceed half the corporation's paid-in capital.

Depreciation Practices

To turn to matters of more consequence, depreciation practices abroad should be considered. To the business taxpayer, depreciation may rank with tax rate and with

inventory valuation rules as the most important of all tax provisions. Here one may contrast the U. S. rules with what are probably the most flexible and liberal rules in use in any advanced industrial country, those in Sweden.

In Sweden, the basic rule is that the business taxpayer can deduct for tax purposes whatever amount of depreciation he chooses to take on his books for that year. There are certain ceilings, but even under those a taxpayer may write off, if he chooses, more than half the cost of his machinery in two years and the whole cost in five. But perhaps more important is the flexibility the system gives the taxpayer: subject to those ceilings he can deduct more in good years, less, even none at all, in bad years.⁷

Sweden is not the only country with depreciation ideas that might set the United States to thinking. Both the United Kingdom and France, for example, often fix depreciation rates by agreement between the government and the

New England's Most Unusual Varieties
of Italian Style Specialties

"The Original!"



1728 Mass. Ave., Cambridge
(Between Harvard & Porter Sqs.)

★ EAT IN

★ TAKE OUT

★ DELIVERY

You Ring — We Bring
UN 8-7000

Luncheon Specials 66¢ — 99¢
including soup and beverage

Also: Allston Tower of Pizza
178 Harvard Ave., Allston

Rackets Restrung

One-Day Service

TENNIS & SQUASH SHOP

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

industry concerned. As to those famous Paris taxi-cabs, under an *accord* between the revenue service and the trade association of cab owners, Paris cabs are depreciable at the rate of 30 per cent of cost the first year, 20 per cent of cost in each of the second and third years, and 10 per cent of the undepreciated balance in the fourth and subsequent years.

Other Agreements

There are many other such agreements in France; these cover paper and pulp, plastics, the prefabricated house industry, and so on. Under some of these, depreciation depends on output or hours worked. In the case of artificial fibers, for example, spinning equipment is depreciable at 20 per cent per year when output is below one-third of capacity, 30 per cent when output is between one-third and two-thirds of capacity, 40 per cent when output exceeds two-thirds of capacity.

The basic French rule is that depreciation deductions may be taken in accordance with the "usages" of the trade or industry involved; these agreements in effect fix the governing "usages".

Most important, perhaps, of the French *accords* fixing depreciation "usages" for tax purposes is that with the steel industry. This was announced in 1952 by a formal *Décision Ministerielle*.⁸ The necessities of international competition, it was said, required modification of ordinary trade usages to make the depreciation system more flexible, to permit accelerated depreciation as production accelerated, and to allow faster replacement of equipment.

Extra Allowances

The steel arrangement permits iron, steel and coal companies to take additional depreciation allowances, over and above normal depreciation, at rates which depend on output. For example, firms producing Thomas steel may take depreciation allowances up to eight per cent of turnover in that product. The maximum allowance varies from 2.5 per cent to 20 per cent for other steel and iron products. For coke plants, the maximum is eight per cent of coke sales;

iron ore mines, 20 per cent of ore sales; coal mines, 13 per cent. The depreciation allowances available under these rules may be applied to any asset or assets in the company's discretion, but in no case may total depreciation on any asset exceed its original cost, as that has been adjusted under French tax law to keep step with inflation and devaluation of the franc.

France has other interesting depreciation practices. To encourage scientific research and development, buildings and machinery acquired for research purposes may be depreciated by 50 per cent the first year.⁹ And those concerned about the United States balance of payments might note that France grants special depreciation allowances to exporters. Other countries have done the same from time to time.

To qualify for the export allowance, a French manufacturing firm must sell at least 20 per cent of its output outside the franc zone. It may then increase its normal depreciation allowances by the ratio between export sales and total sales. If export sales, for example, are 40 per cent of total sales, normal depreciation may be increased by 40 per cent.¹⁰ And, as part of France's new export drive that began in 1959, the Ministry of Finance announced that this special export depreciation allowance could, in turn, be increased by 50 per cent for all fiscal years ending after January 1, 1959.¹¹

Consider Whole System

However, in no country does any tax provision ever stand alone; it must be viewed in the context, the *gestalt*, of the whole tax system. For example, the export depreciation allowance must be related to that grand process which the French call the "detaxation" of exports. This word "detaxation" may have a future. Physicists tell us that anti-matter is already as important as matter. As tax burdens increase everywhere, perhaps "detaxation" will become as important as taxation.

This is already the case in the export field, where the process of "detaxation" seeks to relieve ex-

porters of at least some of the burden of the internal taxes and charges which might make French prices non-competitive in foreign markets.

The international traffic in tax ideas between France and the United States, taking these two merely as an example, is not one way. With the United States as a model, the French are beginning to consider whether to tax capital gains.

Those opposed to the idea in France object that, while the taxation of capital gains may work in an expansionist economy like the American, it will not work in an economy like the French, which has been relatively stagnant over the years (at least until recent years). The argument illustrates the final point that a tax device that flourishes in one social and economic climate may not be suited at all for transplanting to another. Nevertheless, as international tax knowledge grows, elements of each country's system will tend increasingly to be scrutinized for adoption by other countries.

¹ See, for example, Carl S. Shoup, "Taxation of Dividends" and Dan Throop Smith, "Tax Treatment of Dividends" in *3 Tax Revision Compendium* 1537, 1543 (House Committee on Ways and Means, 1959).

² "Iceland Weighs Income Tax End," a Reuters dispatch to *The Christian Science Monitor*, 25 February 1960.

³ Law No. 57-716, 26 June 1957.

⁴ Decree No. 57-967, 29 August 1957.

⁵ See for example, White, "Proper Income Tax Treatment of Deductions for Personal Expense," and Kahn, "Personal Deductions in the Individual Income Tax," *1 Tax Revision Compendium* 365, 391 (House Committee on Ways and Means, 1959).

⁶ Law No. 59-1472, 28 December 1959, art. 9.

⁷ See World Tax Series, *Taxation in Sweden*, 7/3.

⁸ D.M. 25 October 1952, B. O. C. D. 1952-II, No. 14, p. 593. Originally only temporary, the extra allowances for steel, iron and coal have been made permanent. R. M. No. 21, J. O. 8 March 1956, Deb. A. N. pp. 735, 736.

⁹ Ordinance No. 58-882, 25 September 1958, as implemented by decree no. 59-218, 2 February 1959; Circular D. G. I. 10 June 1959, B. O. C. D. 1959-II p. 838.

¹⁰ D. M. 26 October 1957 B. O. C. D. 1957-II, p. 218; D. M. 5 March 1958.

¹¹ D. M. 3 March 1959, Note No. 762, D. G. 11 March 1959, B. O. C. D. 1959-II, p. 762.

SAME DAY DRY CLEANING

Complete Laundry Service

RITE - WAY CLEANERS

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

Letters to the Editor

Editor's note: the following was sent to the student body of the Law School in general. It was referred to the RECORD from the Dean's office. A letter has already been written to Mr. Naumov, hoping that he might write an article for the RECORD. For anyone else wishing to correspond, the address is: 18, Lenin Street, Faculty of Law, Kazan University, Kazan, U. S. S. R.

Dear American Friends,

We are the students of the Law Faculty of one of the oldest universities of the U. S. S. R. — the V. I. Ulyanov — Lenin Kazan State Order of Red Banner University. We wish to correspond with you, the students of the Law Faculty of Harvard University.

We closely followed the visit of our Premier Krushchev to your country. We were pleased to learn that the people of the U. S. A. and the youth and the students of the U. S. A. cordially welcomed our dear Premier. We burn with the desire to get to know the youth of the United States better. We think that the youth of the world should know each other better.

We saw your University in a short newsreel film. We saw you study, rest, play skittles. We heard your songs and we liked them very much.

Now some words about our University. There are nearly 5,000 students at the Kazan University. It has faculties of Law, Chemistry, Physics and Mathematics, History

and Philology, Geology, Geography and Biology.

Our University gave to the world many eminent scientists, writers and statesmen. The great Lenin studied at our University. Among those who studied at our University are: Lobachevsky — the great Russian mathematician; distinguished Russian chemists Mendeleev, Zinin and Butlerov; the great writer Leo Tolstoi, whose novel "War and Peace" was screened in the U. S. A. (We liked that film very much). Our students are in love with science. But our life is not limited to books and classes. We are fond of sports and art. We issue a wall-newspaper "The Soviet Lawyer." All the aspects of our life are reflected in this newspaper.

We often visit the Opera House and the theatre. We discuss the aim of life and the problems of friendship and love.

We are much interested in the life of the youth in other countries. And we shall wait for your answer with great impatience.

Yours sincerely,
on behalf of the editorial board
of "The Soviet Lawyer"

— A. Naumov

Secondhand Law Books
LAW SCHOOL AIDS
Bought — Sold
HARVARD BOOK STORE
1248 MASS. AVE., CAMBRIDGE
OPP. LAMONT LIBRARY TR 6-9069

To the Editor:

I dissent utterly from the views professed by Professor Schwebel as reported in the RECORD for February 25th favoring the repeal of the Connally Amendment.

The Constitution of the United States, Article III, Section 1, says the judicial power of the United States is vested in the Supreme Court and such inferior courts as Congress may establish. By what authority do the Internationalists propose to transfer an important and perhaps a vital segment of the judicial power of the United States to any foreign power or combination of foreign powers, and in particular to a court constituted as the World Court is?

According to the 1960 World Almanac the judges of the International Court of Justice at the present time come from the following countries: United Arab Republic (Egypt and Syria), "China" (not China at all, but Chiang Kai Chek's personal following, now sta-

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

**THE
COOP**

tioned in Formosa), Poland, Mexico, Panama, Argentina, Uruguay, Pakistan, U. S. S. R., Greece, Australia, France, United Kingdom, Norway, United States.

Of the 15 nations represented, it is safe to say that none of the nine first mentioned has any system even of domestic law which we would recognize as such. The same observation would certainly be true of the vast majority of the United Nations, and of most of them it can be said that they are hardly more than half civilized. No lawyer in his right mind would submit to the present court a civil case involving as much as a thousand dollars or a criminal case any more serious than a traffic offense.

I suggest that those who would surrender an essential part of the sovereignty of the United States to a court so constituted would do well to take a further look at Article III, Section 1, of the Constitution of the United States.

Very truly yours,
Walter L. Nossaman
LL.B. '12

Calendar

(Continued from page 2)

The participants will be the Langdell Club and the Gower-Herwitz Club.

Wednesday, March 16

The SOUTHERN CLUB will hold a luncheon meeting in the Mallory-Smith Room of Harkness Commons at 1 p. m. Professor Charles Fairman will speak.

The HARVARD LAW WIVES will meet in Harkness Commons at 8 p. m.

GINO'S

MODERN BARBER SHOP

"A Pleasant One Block Walk"

1638 Mass. Ave.

4 Chairs — Quick, Expert Service

SQUASH RACKETS

Largest Variety in New England

Tennis & Squash Shop

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

Future Events

The second argument in the AMES QUARTERFINALS will be held between the Dawson and Gardner Clubs on Thursday, March 17.

The INTERNATIONAL LAW CLUB will meet on Friday, March 18, at 4 p. m. in the Wheeler Room, Holmes Hall. Mr. Kurt H. Wadellmann, a member of the United States' observer delegation to the Hague Conference on Private International Law, will speak on "Current Work on the Unification of Law in the World."

Capri

SUBMARINE
SANDWICHES

Italian Cold Cuts	50c-30c
Regular	40c-25c
Meatball	40c-25c
Imported Ham	50c-30c
Roast Beef	60c-35c
Crab Meat	60c-35c
Italian Sausage	50c-30c
Pepper and Egg	40c
Cheese	45c-25c
Tuna Fish	40c-25c
Meatball and Sausage	60c-35c
Salami and Provalone	60c-40c
Coffee (to stay or to go)	5c

1691 Mass. Ave.

Open 9 a. m.-1 a. m.

Fri. thru Sun. till 2 a. m.

SPECIAL Record Bargains

RCA VICTOR

These fine stereo records feature such performers as Boston Symphony, Van Cliborn and Harry Belafonte.

\$4.98 List NOW \$2.49

\$5.98 List NOW \$2.99

ODEON and PATHE

Recordings of famous Europeans . . . Yves Montard, Michel Dens and others. Also included are many complete French plays and operas.

\$5.98 List NOW \$3.98

\$4.98 List NOW \$3.49

MERCURY CLASSICAL

LIST \$4.98 NOW \$2.89

Save Further . . . Save 8% or 10% Too

**THE
COOP**