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NO. 8

Pickets Protest Segregation

At least 10 law students are marching on a picket line in Harvard Square, demonstrating their support for Southern Negro college students who are participating in sit-down strikes protesting lunch counter segregation. For a few afternoons a week, these students, along with others from the Harvard community, are attempting to convince the Woolworth chain to eliminate segregation at its southern lunch counters. The target of the Harvard Square demonstrators is the Woolworth store on Brattle Street.

The activities by the law students are merely a small part of a militant movement which has recently swept northern campuses. Picket lines are being formed, pamphlets are being distributed, petitions are being signed, and money is being raised for scholarships in New York, Philadelphia, Boston and Denver, as well as in numerous small college towns. Organizations have sprung up overnight and spontaneous demonstrations have been planned and executed in even less time.

Sight Evokes Response

One Law School picketer, Bernard Nussbaum, 2L, in attempting to explain the deep feeling which has been evoked, said, "Once you see the newspaper photos of the courageous faces of those southern kids who are risking getting their heads torn off or being thrown in jail because they wish to be treated as any other human being, with dignity, then how can you do less than find a way to show them that we stand together."

In many areas the northern student activity has been confined to single campuses under the direction of individual campus

leaders. In Boston, however, an Emergency Public Integration Committee (E.P.I.C.) has been formed with representatives from Harvard, M. I. T., Brandeis, and Boston Univer-



Photo by Gottlieb

On the march in protest

sity. Under the leadership of Harvey Pressman, a Harvard graduate student, this organization is presently deploying approximately 500 students among 10 Woolworth stores in

(Continued on page 6)

Harvard Law Record

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Hearsay

One of the more important events in the Harvard Law School calendar will take place this Saturday. At that time, a student forum, founded three years ago among residents of the third story, Story Hall, will continue its program of cultural (*sic*) events to demonstrate that the world is not all law books. The Third Floor Art Contest, an outgrowth of the student forum entitled "Is Harvard Law School Becoming a Trade School," will hold its showing between 2:30 and 4:30 at 56 Kirkland St., Saturday afternoon.

Last year there were 85 entries of original works by residents and former residents, and friends of residents and former residents of third story, Story. Several entries were contributed by the members of the sixth grade class, Thoreau School, Newton. But the winning entry was a creation (*sic*) of a present third year student.

In the first year of its existence, the student forum not only held an art contest but also other activities, including an Easter Egg Hunt and a performance of an original one act play entitled *Tipton v. Feitner*.

The influence of this student forum cannot be passed off lightly. Elsewhere can its spirit be seen encroaching upon the Law School. Other student groups, following the path marked by this forum, have sponsored such events as poetry readings (everything from Old Testament to Ginsberg) and quartet contests (original lyrics welcomed). There is even talk of a student re-enactment of the Andersonville Trial.

Langdell and Ames, roll over!

CALENDAR

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

Thursday, March 24

The SAINT THOMAS MORE SOCIETY will hold elections at 8:00 P. M. in the Associated Harvard Clubs Room, Holmes Hall.

The AMERICAN LAW STUDENT ASSOCIATION will hold a joint conference of the 1st and 2nd circuits at Boston College Law School, March 24-26.

Friday, March 25

The INTERNATIONAL LAW CLUB will meet at 4 P. M. in the Gray Room, Holmes Hall. Mr. Woonsang Choi, a former Korean vice-consul in Los Angeles, will speak on "The Law of Relations between International Organizations and Their Officials: The Jurisprudence of International Administrative Tribunals."

Saturday, March 26

The Club Argentino de Boston will present Octavio Corvalon, a noted Argentine folk singer, in a program of folk music in Kresge Auditorium, M. I. T., at 8:30 P. M.

Sunday, March 27

The HARVARD UNIVERSITY CHOIR will present a choral service in Memorial Church at 8 P. M.

The FORD HALL FORUM will present Henry A. Wallace, former Vice-President of the United States, Secretary of Commerce, and unsuccessful candidate for the presidency as a member of the Progressive Party, speaking on "The Long Look Ahead" at 8 P. M. in Jordan Hall.

Tuesday, March 29

The CHORUS PRO MUSICA will present a concert in Sanders Theater.

Paul Stark Seeley, LL.B. '09, will present a free public lecture on Christian Science under the auspices of CHRISTIAN SCIENCE ORGANIZATION at Harvard University in the lecture hall of 2 Divinity Avenue at 8 p. m.

(Continued on page 16)

Class of 1960 Officers Selected

These, at right, were triumphant in the Class of 1960 elections and have assumed titular lead of the Class.

They are (seated) Miss Zona Mae Fairbanks, Class Secretary; Murray Belman, Class Marshall; and (standing) Holland Capper, John Kelsh, and Stephen Skrainka, Class Committeemen.



Last week the Class of 1960 elected five members to their Class Committee. Murray L. Belman, of Omaha, Nebraska, was elected Class Marshall, the titular head of the Class Committee. He is a graduate of Cornell University and a member of the Legal Aid Society.

Zona Mae Fairbanks, of Richmond, Virginia, is the Class Secretary. She was graduated from William and Mary College.

Committeemen elected are Holland C. Capper of Manistee, Michigan; John C. Kelsh, of Oshkosh, Wisconsin; and Stephen W. Skrainka, of Ladue, Missouri. Mr. Capper is a graduate of the University of Colorado and a member of the Harvard Voluntary Defenders. John Kelsh, a graduate of the University of Wisconsin, is President of the Bull and Bear Club. Mr. Skrainka is a graduate of Cornell University and is a past member of the Legal Aid Society.

The Class Committee will consist of nine members, including the Marshall and the Secretary. Four more Committeemen will be selected by the Committee. Those interested in being considered for membership should leave their name at the receptionist in Langdell before next Monday, March 28.

The elections were conducted by members

of the *Ad Hoc* Class Committee under the direction of John G. Milano, Irvington, New Jersey.

International Law Codification Viewed

The position of the United States regarding our country's participation in the codification of international law was both criticized and defended last week by Professor Kurt A. Nadelmann of the New York University Law School.

Speaking at the International Law Club's weekly discussion group meeting, Professor Nadelmann was able to give his topic, "Current Work on the Unification of Law in the World," first hand treatment, having been a member of the United States observer delegation to the Hague Conference on Private International Law.

International Institute

Professor Nadelmann first described the origin, development, and work of the International Institute of Unification of Private Law, in Rome. This institute which originally

received a grant from Mussolini, is now supported mainly by the Italian government. Its major effort has been the formulation of a uniform law on international sales. It has also done work in such areas as nationality laws, womens' rights, and maintenance of legations.

The first time that a U. S. delegate attended this institute's meetings was in Barcelona. The delegate subsequently made a report on this conference to the National Conference of Commissioners on Uniform State Laws. However, a major obstacle to any United States action on the matter is that sales regulations are reserved to the states and ratification of any institute recommendations is virtually impossible.

Hague Conference

The second organization discussed by Professor Nadelmann was the Hague Conference on the Unification of International Law. Successful in achieving uniformity in the field of status (familial relationships) in Europe, the organization has also tackled the more formidable problem of establishing uniform rules for conflicts of laws.

There was no United States participation at the earlier conferences, although American specialists were almost unanimous in their contention that our country should be represented. Finally an observer delegation (including Professor Nadelmann) was sent to the 1956 Conference.

Two Objections

Professor Nadelmann cited two general objections to United States ratification of international conventions. First, "we do not believe in codification." Secondly, in order to be even considered for ratification, the area with which the convention deals must be within the realm of federal power.

He noted that the only U. S. contribution to the conference — a memorandum suggesting a reciprocity clause enabling a country to "pick your partner" — was not voted upon. He expressed the hope that, in the future, the United Kingdom would take over the leadership in the unification of international law.

During the question period, the speaker noted that many foreign representatives do not fully understand our country's internal problems that deny our active participation in the unification of international law. Only now are they starting to recognize some of this country's problems in that regard.

As to the problem in general, he said that, while conditions are improving, terribly hard work is necessary to make the goal of unification a realizable one.

— Amitay

New Jersey Bar Examination Dates

The date for the New Jersey bar examination has been set for Thursday and Friday, July 14 and 15, in Trenton, N. J. Those intending to take the examination must file a notice of intention with the Clerk of the Supreme Court prior to May 14, 1960.

Information on procedures for application for admission to the bar examination may be obtained from the Board of Bar Examiners, State House Annex, Trenton, N. J.

Underdeveloped Countries And Manpower Training

"Training Manpower in Underdeveloped Countries" was the topic of a luncheon talk given to the Harvard Law-Graduate Republican Club recently by Professor William Y. Elliott, professor of government at Harvard and consultant to Secretary of State Herter.

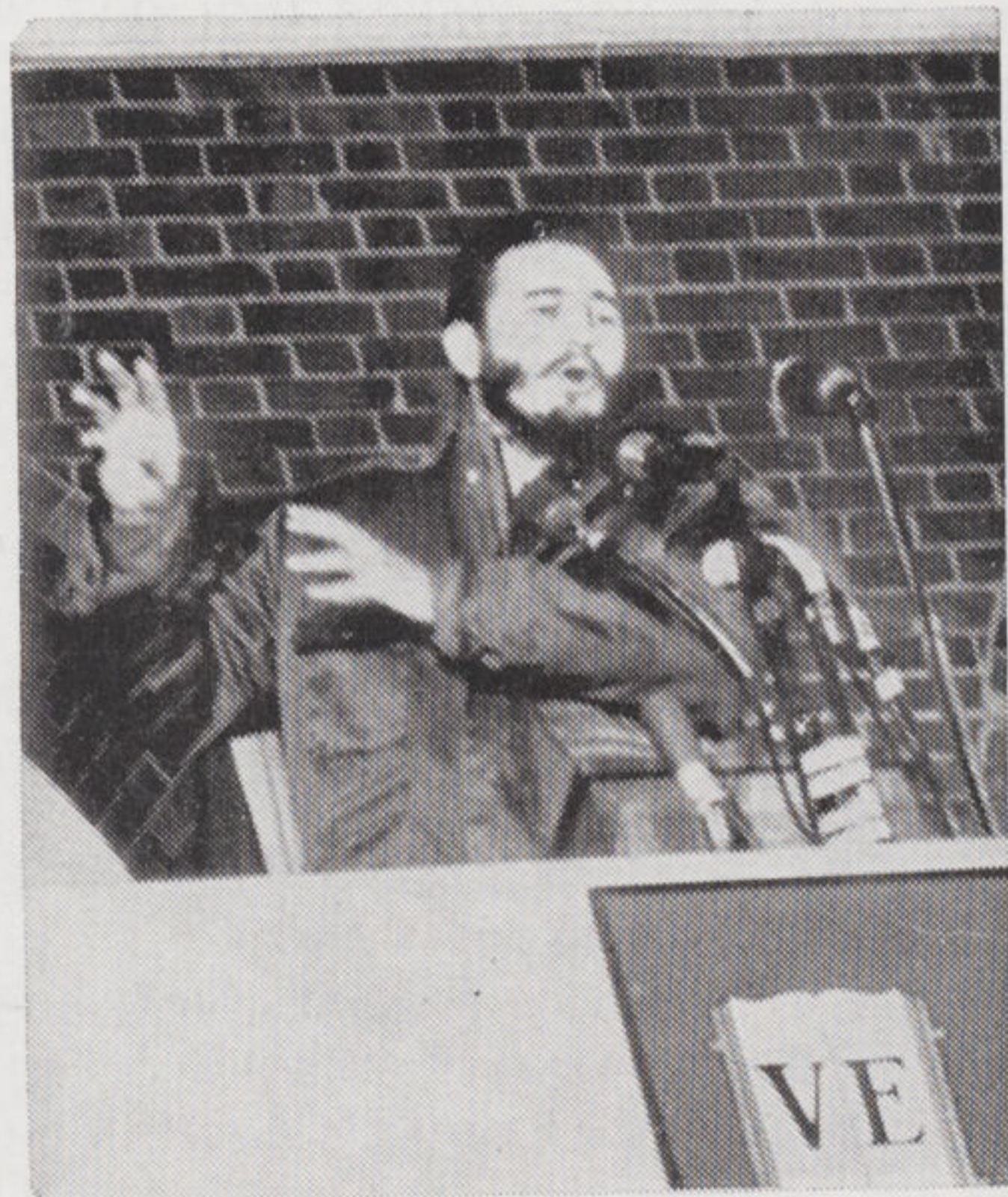
The underlying philosophy of a manpower training program, Professor Elliott said, should be "helping people to help themselves." Our unused foreign aid funds should be mobilized for educational and technical training programs to develop engineers, civil servants, and defense personnel. Training on a lower level should not be ignored, for men trained in the use and maintenance of farm equipment and other machinery are also important. In regard to civil servants, Professor Elliott said it was especially important that they receive budget training to enable them to allocate expenditures wisely.

The United States has been bringing people to this country for training, but it is obvious that the number who can be trained here is limited. We must therefore help the underdeveloped countries set up their own training institutions.

For those who neglect to purchase their RECORD on Thursday, issues are now being sold at the Harkness Newstand on Friday. Cash purchases only. Subscription cards cannot be honored.

Forum Airs Cuban Situation

His Excellency Manuel Bisbe, Permanent Representative of Cuba to the United Nations, will be the featured speaker at the Harvard Law School Forum's program tomorrow, March 25, at 8 p.m. in the Ames Court Room. Dr. Bisbe, a lawyer and former professor at Havana University, will comment on the recent charges of Communist domination of the Castro regime and on the economic and



Castro, shown as he appeared before the Harvard Law Forum last spring, will again be the major topic before the Forum tomorrow evening.

political frictions which have developed between Cuba and the United States.

Dr. Bisbe has for many years been an active participant in Cuban politics. Prior to the Batista regime, he served in the Cuban Congress for eight years. He is the current President of the Orthodox Party in Cuba.

Accompanying Dr. Bisbe will be Mr. Raul Roa, Alternative Delegate from Cuba to the United Nations and son of Dr. Raul Roa, Cuban Foreign Minister. Mr. Roa will serve as Dr. Bisbe's consultant in answering questions concerning the economic problems which Cuba is currently facing.

Mr. Samuel Halper, a reporter for *Time* magazine and *Time's* expert on Cuba, will

serve on the panel which will question Dr. Bisbe. Mr. Halper, who recently returned from visits to both Cuba and the Dominican Republic, participated in authoring *Time's* cover story on Premier Castro which appeared immediately subsequent to the revolution.

The moderator for the program will be Dean William S. Barnes of the Harvard Law School.

Inter-American Association Elects Officers, Adopts Constitution

The Inter-American Law Students Association had a busy meeting last week during which its members heard a speech by Professor Lincoln Gordon, adopted a Charter and Constitution, and elected its first slate of officers.

Francis C. Brown, 2L, Montclair, New Jersey, was elected President, to serve until next November. Serving with Mr. Brown will be: Joseph R. Thome, 2L, Costa Rica and California, Executive Vice-President; Jose Luis Robles, graduate student, Mexico, Vice-president for Inter-American Affairs; James Kohn, 2L, Milwaukee, Wisc., Secretary; and Juan Garcia-Passalacqua, 1L, San Juan, Puerto Rico, Treasurer.

Professor Gordon, of the Graduate School of Business Administration and an expert on International Economics, spoke about the recent Common Market agreement between Argentina, Brazil, Chile, Mexico, Paraguay, and Uruguay. He particularly stressed the effect such a free-trade area might have on the economic systems of the member nations, as well as its importance to the American lawyer.

Following the speech, the members of I. A. L. S. A. unanimously adopted a Charter and Constitution. The preamble of the Charter states the general purpose of the organization: to aid in the creation of "a strong and united community composed of independent American nations with equally high standards of living, education and democracy." Among the more specific purposes stated in the Charter are those for fostering scholar-

ships on a reciprocal basis for the study of law among the nations of the Hemisphere, promoting the interchange of law professors, and, generally, to promote the understanding and knowledge of the various legal systems in the Americas.

— Thome

Cost of Education Low

According to an article entitled "The Economics of Harvard," which appeared in the last issue of the *Harvard Alumni Bulletin* and which was written by Seymour E. Harris, professor of political economy, the cost to the University of educating law students is \$1,720 per student per year. Of that amount, tuition covers 66 per cent.

This proportion of tuition to expenditures is the highest of all schools in the University, except for the School of Public Administration, whose costs are greatly reduced by the free use of the Arts and Sciences Faculty.

The yearly expenditure of the Law School amounts to \$2,777,000 for the benefit of the 1,595 students who are enrolled. Of the total expenditure, the largest amount goes for faculty salaries. The relatively low cost per student (in comparison with the highest cost per student — \$13,540 in the School of Public Health) results because of the use of the lecture system of teaching and the low faculty-to-student ratio.

The comparable cost per student to the School of Business Administration is \$4,020, of which it recovers 44 percent from tuition. The School of Medicine receives only 19 percent of its \$7,610 cost per student from its tuition charges.

Republican Delegates

Delegates have been selected to represent the Law-Graduate Republican Club at the meetings of the Massachusetts Council of Republican Clubs, according to Walter A. Baker, Republican Club president.

Chosen by the Executive Committee to be delegates are: Kent S. Arvin, 2L of Indianapolis, Indiana; Jerry B. Fulmer, 2L of Franklin, Penn.; Barbara Lee, 1L of Winsor, Conn.; Manning Muntzing, 3L of Moorefield, West Virginia; and, Russell A. Winslow, 2L of West Newton, Mass.

Named as alternate delegates are: Alex McColl, 3L of Kalamazoo, Michigan; Stephen A. Nye, 1L of Medford, Oregon; and, Jerry Rice, 1L of Roseau, Minnesota.

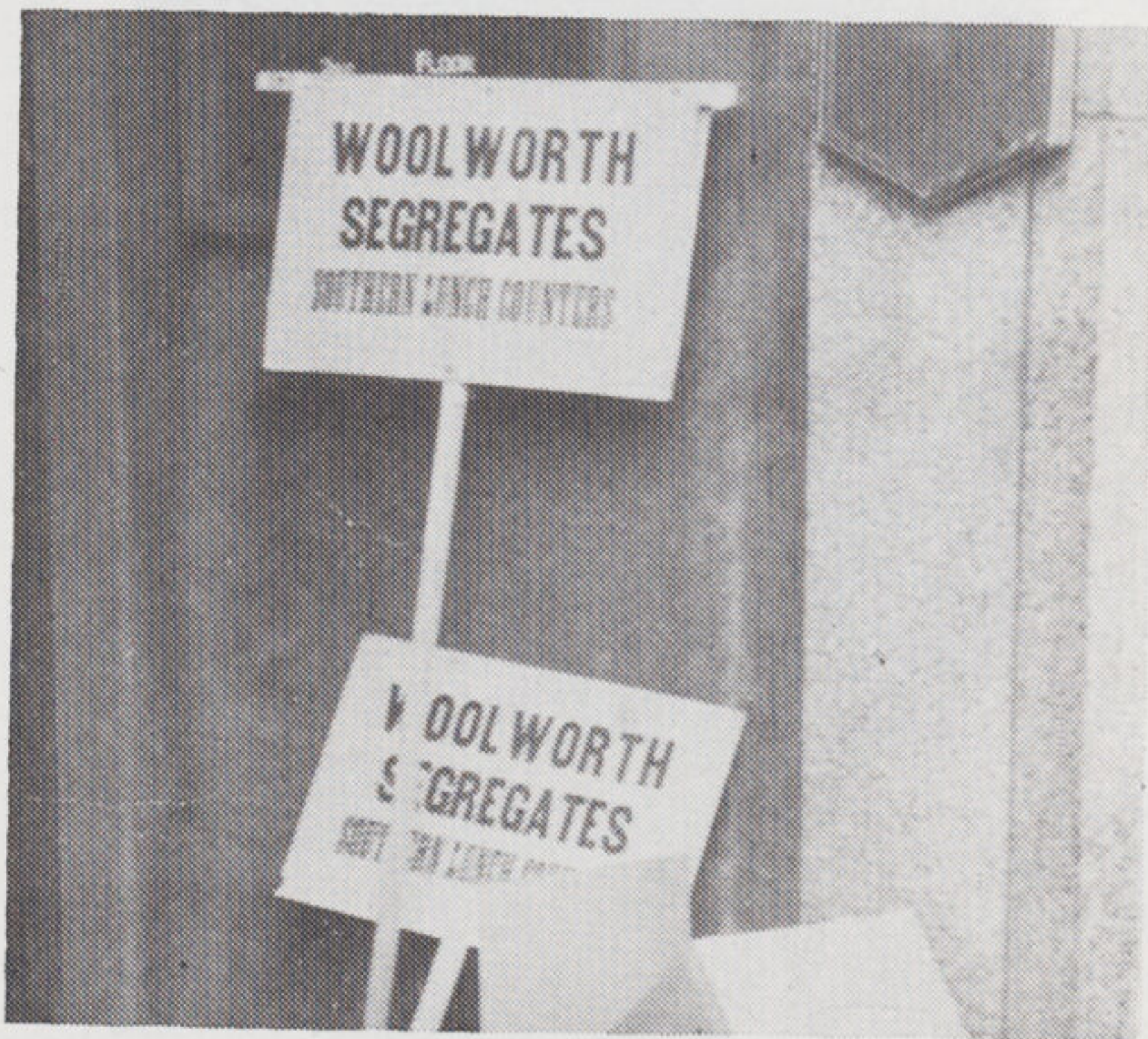
Pickets Protest Segregation

(Continued from page 1)

the greater Boston area. Initially the picketing and pamphlet distribution were done only on Saturday afternoons. Due to the steadily increasing participation in this movement, groups have been assigned to picket on each day of the week. The contingent covering Harvard square consists of about 50 students.

Picketing's Effects

Bart Bernstein, another Harvard graduate student, who is captain of the Harvard Square picket line, surmised that there is a



Lonesome!

significant drop in business when the pickets are in front of the Brattle Woolworth store. "We've seen numerous people read our signs, pick up a pamphlet, sign a petition and then walk right past the store," he noted. When asked why a particular store which did not segregate at its lunch counter was being picketed, he replied, "The national office, which can set the policy for all its branches, feels that it is profitable to segregate lunch counters in the South. We are trying to show them in the only way we can, and in the only way they will feel it, that their moral cowardice does not pay."

In response to a question why the Woolworth chain was selected from among those which have lunch counter segregation, Bernstein said, "We have only a limited amount of resources and we are trying to use them to the greatest effect. Woolworth is a leader and it sets community mores as much as it follows them. When we convince it to change, the others will soon fall in line."

N.Y. Bar Exam Is Tough, Fair

"New York Bar Examiners are jealous and proud of their reputation as toughest in the country," declared Louis Kass in a speech to members of the Student Bar Association in Harkness last Friday.

Mr. Kass lectures on New York Pleading and Practice at Yale and is active in his own New York Bar Review course.

"The New York examination is the fairest" asserted Mr. Kass. "It tests lawyerlike qualities, as well as knowledge."

Weeding Out

He pointed out that a good student may make a "lousy" lawyer. "The purpose of the bar examiners is to weed out those who can't be trusted with clients."

His discussion centered around the physical structure of the examination. The exam is divided into two parts: 1) substantive, consisting of eight essays, a canons of ethics problem and 150 yes-no questions; (2) adjective, consisting of four essays and 150 yes-no's.

The exam takes two days. The first, devoted to substantive law takes seven and one-half hours. From 9 a. m. to noon the candidates answer four essays, plus the canons of ethics problem. Between 12 and 1 P. M. they are permitted to eat (if they can) and from 1 to 5:30 p. m. they tackle the other four essays and the 150 yes-no's.

Mr. Kass strongly advised against post mortem discussions during the lunch break. "If you can't eat, drink," he advised. "If you talk to your friends, you're liable not to return for the afternoon part of the exam."

The second day is devoted to adjective law. The candidates have from 9 a. m. to 2 p. m. with no time out. The essays consist of three on pleading and practice and one on evidence. The 150 yes-no's are divided between pleading and practice and evidence in a 2:1 ratio.

Tips Given

Some of the tips given by Mr. Kass were:

"The essays test lawyerlike ability, while the yes-no's test the candidates' ability. The examiners don't want law review answers. They want the law as it is in New York, not what it should be, what it is somewhere else, or what it was before the Court of Appeals

reversed it. Many of the cases they give have been reversed or modified on appeal.

"The examiners give about 10 points of law in a substantive essay. Of these, there are only two, three, or at most four major pivotal issues. It is these issues that must be covered fully. The others are merely to weed out the unlaywerlike students and should be given only minor coverage.

"They are testing the candidates' diagnostic ability. A client won't come in and say, 'I have a torts case.' It is the lawyer who must search out the issues from among the irrelevancies. The Harvard student stands head and shoulders above most other law school students in this diagnostic ability.

"Lack of knowledge is not the candidates' worst enemy. It is TIME. The candidate wishing to pass should budget his time carefully and stick to his schedule. He should organize and plan his answer before writing.

— Traum

News Squibs

NEW MAN ON COMMITTEE

Professor Ernest J. Brown will replace Professor Lon. L. Fuller on the Graduate Committee during Professor Fuller's leave of absence next year.

QUARTERFINALS OVER

The four Quarterfinals of the Ames Competition have been successfully completed as of this printing. A full report of the results will appear in the RECORD next week.

CHARITY DRIVE RESULTS

Total collections for the Combined Charities Drive held at the Law School last December have been tallied at \$1305.55. Off-campus contributions reached \$807.95; dormitory receipts were \$489.25; and the rest of the amount came from the booth in Harkness Commons. The bulk of the monies was designated for the United Fund. However, the donors were able to designate their own charity. Among these were the Salvation Army, the American Cancer Society, C. A. R. E., the United Jewish Appeal, the Catholic Relief Fund, and the Planned Parenthood League.

PAT-A-CAKE, PAT-A-CAKE, LAWYER'S WIFE

Today — Harkness Commons — 12 noon to 2 p. m. Harvard Law Wives' Bake Sale — Your choice of cake, cookies, fudge, cupcakes, brownies. . .

Chessman Letters to the Editor

To the Editor:

Although I am not one to write "Letters to the editor," I could not pass writing you about the editorial entitled "Caryl Chessman Should Live." Of course, I do not know which member of your staff wrote the editorial but it seems to me that the conclusions reached in the editorial are dissipated by the statements set out throughout the editorial.

The tenor of the editorial is that a mockery has been made out of the courts and, if Chessman dies as now scheduled, equality before the law becomes hollow and false. Yet in spite of this, throughout the editorial statements are made which show that Chessman had a fair trial, that the jury deliberated for many hours before finding him guilty, that the evidence showed that he was guilty of heinous crimes, that one of his victims is now in an institution and that the Supreme Court of California held in the case cited that there was no serious abuse to cause a mistrial in his case.

I was very much amused at the statement regarding the death of the recorder and the fact that the Court Reporter conferred with the prosecutor regarding some of the notes. I presume this statement was made to show that unauthorized actions were taken. Yet in the editorial it is pointed out that Chessman himself published at least two books and has had his case highly publicized everywhere among as many people as possible. It certainly seems to me that his case should be tried before the court rather than worldwide public opinion which has certainly been stimulated by persons prejudiced in his favor.

I personally think it is high time that we do more to establish respect for our courts rather than grab on to some case which has gotten be-

fore the public generally in a most dramatic manner.

Albert L. Hodge,
LL.B. '34

Ed. Note — If the editorial of March 10 will be reread, it will be observed that it is contended that Caryl Chessman did not have a fair trial. Thus, the conclusions advocated in the second paragraph of the foregoing letter suffer, since they are premised on there being no doubt as to his guilt. The letter also speaks of the fact that Chessman got his cause publicized through his books. But what good is it to be before the public, if the courts turn a deaf ear?

To the Editor:

Why should the RECORD champion a conclusively proven rapist in callous disparagement of the tortured agony, worse than death, suffered by his innocent victims, whom the legal profession, as represented on the bench, was under solemn oath to defend and protect against the beastly outrages of such fiends?

Your tears for Chessman are a disgrace to Harvard.

Casper Schenk,
LL.B. '06

To the Editor:

As a lawyer criminal with a special interest in the Chessman case . . . I wish to commend you.

You write: "Another twist to this already twisted case came when the court reporter died . . . leaving 2/3 of his notes untranscribed . . . Actually a man already had been appointed to unscramble these notes. The UNCLE of the prosecutor was selected (emphasis mine) — the *UNCLE OF THE PROSECUTOR!* (emphasis yours) — and this occurring where the bitterest of emotions inflamed participants and onlookers alike . . . Chessman could only make written objections after the notes were transcribed."

How about the *HUGHES CASE* where the Honorable Mr. Justice Edward P. Murray refused to "holler UNCLE," in the case before him in the SUPREME JUDICIAL COURT OF MAINE (not police or criminal court) brought by his nephew, E. DONALD FINNEGAN, Esq., Attorney for plaintiffs, in a Bill for Partition, and still pending in said Supreme Court sitting as the Law Court, on Exception by Defendants (HARRY STERN, their attorney) "to the overruling of their MOTION to disqualify." "It doesn't look good!"

Harry Stern,
LL.B. '30

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.

Trial of Loyalty & Security Cases

The problems confronting the lawyer in a loyalty or security case are quite unique. Knowledge of the statutory law is only the beginning. In this article are stressed the other situations that a lawyer will have to face if he defends a person in this very vital area.

by CARL RACHLIN

In almost no other area of the law does the lawyer play as broad a role as in the trial of a loyalty and security case. While other legal problems, no matter how complex or simple, are confined to a rather limited set of facts and legal issues, the loyalty and security hearing, in an almost literal sense, involves the trial of the life of the accused.

The hearing is in the nature of an *apologia pro vita sua*. Almost no limits exist as to the size of the record and rarely are objections to the introduction of evidence or testimony granted. Since only the attorney's judgment and experience limit the issues raised, the result is something not unlike the administrative hearing procedures before a Board such as the N. L. R. B.

While loyalty and security hearings bear many resemblances to the administrative hearing, what constitutes a relevant fact is so much broader that the rules of evidence, already stretched in administrative hearings, come to the breaking point in the loyalty and security hearing. Perhaps the reason for this is that the matter is less an adversary proceeding than a board case, and far less than a case in court.

Could Be Won

An examination of the results of hearings will show that the majority of cases have been won for the accused person. It might even be said categorically that most can be

won; and further, when they are lost, it is often the fault of an attorney who has not fully understood or appreciated the kind of proceeding involved.

There is some basis for this lack of understanding, particularly since the June, 1959 case of *Greene v. McElroy*, 360 U. S. 474, which was decided on very narrow grounds. This made matters very difficult since specific regulations governing procedure in industrial security matters had not then been authorized by the President. However, new regulations have just been issued, and those concerned with loyalty and security matters, particularly in the industrial area, hope this will alleviate the problem. The long delay has caused considerable hardship, but now that the regulations have been issued, lawyers will again be trying this kind of case.

Identical Problems

Almost identical problems exist in United States Government employment as exist in industrial security; for example, they occur in the application for employment on the waterfront or at sea, where one may have to go through a security proceeding to obtain certification from the Coast Guard. They also occur in many aspects of deportation and citizenship problems. While the statutes in each case vary, the proceedings are quite similar and the nature of proof required to defend the one accused is almost identical.

In the preparation of the case for the accused, reading the statute and the appertaining regulations does not advance the lawyer very far. This reading is necessary to inform the lawyer on the proper applications to be made at the Hearing for the safeguard of the accused's constitutional and legal rights, but attention must also be made to other aspects.

Carl Rachlin, LL.B. '40, is presently engaged in active practice in New York City. He is general counsel to two national organizations in the civil rights field, and spends much of his time in industrial relations and arbitration. He is the author of a book entitled Labor Law, written for lay people and the less experienced practitioner.

An attorney must realize that this type of administrative board is not and really cannot be concerned with broad questions of legality or constitutionality. Only in Court, if one has to go there in order to preserve the rights of the accused, can these issues be effectively handled. If anything, a display before the Hearing Board is not only a waste of time but may actually be prejudicial to the accused, since it may seriously interrupt the atmosphere that the attorney may have created.

Helpful Points

Some points that the attorney handling a security case should bear in mind are as follows:

At the time the lawyer sees his client, the chances are that he will be in a nervous state. With his life apparently collapsing about him, the client, in all likelihood, does not know what to do or where to turn. If the attorney is not prepared to deal with a client who is in this difficult state of mind, often unable at first even to discuss matters, he ought to refuse the case right away. Although in most negligence cases the pain the client has received diminishes with time and by the time the attorney sees the client he is in a sufficiently proper frame of mind to make the necessary preparations which inevitably must take place, the case is quite different in a security case. Here, the client not only begins in a state of tension, but is likely to continue so until after the hearing.

Another important factor which should be considered by attorneys in deciding whether to accept a security case is the attorney's own political understanding. Nothing is wrong in not being politically-minded, but it is difficult to prepare properly for a security hearing unless one has this background. Nor is a simple knowledge of the Republican and Democratic Parties of much help. One has to be able to distinguish between Communist-front groups and those which are native radical groups, between labor unions who opposed communist influence and those who may have succumbed to it in past years.

The charges against the accused either involve membership in an organization or, more likely, association with an organization or with specific persons active in such organizations. Another possibility is that through declarations, oral or written, the accused either has made or is alleged to have made statements showing sympathy or understanding for Communist political or economic ideas. Reference is often made to associations with organizations on the well-known Attorney General's list.

Whatever charge is involved, mere denials are not likely to be a good defense. A much broader defense clarifying the state of mind of the accused must be prepared. This can be done only by an attorney with a broad political knowledge. Almost all charges against an accused involve some kind of association with what is loosely called left-wing politics. A lack of knowledge of the ramifications of left-wing politics is a considerable handicap. One must be able to distinguish between a Stalinist communist and those persons who profess an agreement with Marxist or Socialist views but who are opposed to Soviet Communism. If the case is one of the latter, the chances are excellent that the accused will be cleared.

No Crime

No crime, under the laws of the United States or under any security regulations, is involved when one is a Socialist or some other kind of radical. The organization we call the Communist Party is the center of the problem. As a matter of fact, Mr. Norman Thomas, one of the most revered elder statesmen in the United States, has, on many occasions, been called upon to testify in behalf of a person involved in a security proceeding. Hearing examiners have learned that Mr. Thomas, better than most other people, understands the difference between a communist and someone who is merely an indigenous radical.

While most Americans are concerned merely with Republicans and Democrats, if one is to try a security hearing successfully, Republi-

cans and Democrats are relatively unimportant; more important are the numerous convolutions of left-wing politics. Important though it may be for one to have a grasp and understanding of constitutional law and a feeling for civil liberties, this is not enough. An education in the differences amongst the Socialist Party, the Socialist Labor Party, the Socialist Workers Party, the International Workers of the World, and, of course, the Communist Party is absolutely essential; in addition one must be acquainted with the names of the organizations through which some of these groups operate.

Difficult Proof

If one decides that he is interested in a securities case, then the preparation must be considered in the light that it is very difficult to prove a negative state of mind, i.e. proving one does not mentally or spiritually associate with the Communist Party or any of its subdivisions. Merely to produce one's checkbook and show that he has not written any checks to the credit of the Communist Party is not sufficient; nor is it enough to submit under oath one's statement that he has no sympathetic association with the Communist Party.

What must be done, and this is the attorney's main job, is to pro-

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duce words and deeds of the accused, given or made under circumstances which can reasonably be assumed to have been an unguarded moment and at a time when one was not speaking for the security record, that prove this negative state of mind toward the association of which he has been charged.

Conversations

Thus, the things that often count most in behalf of an accused are social conversations at lunch, dinner, or in someone's home. As a result, the accumulation of several conversations showing one's attitude towards the Communist Party or the Soviet Union or Communist China, etc. are crucial in the successful trial of this kind of proceeding. Although it would be nice to show that one was in Minneapolis when accused of having been at a meeting in Pittsburgh, rarely can this be answered except by denial. The real solution is to show the accused's position, his very way of life over a period of years. Here is where the real problem exists, because the attorney is in charge of the client's life and he must decide how much of it to present to the Hearing Board and how much to omit.

One of the most difficult cases of this kind in my personal experience involved a young man accused of associating with his mother. The very charge made handling very difficult. Although the young man had recently married and had his own life to lead, very little practical purpose would be served by having him attack his mother. This might be considered un-American. This case was won, but it meant travelling a fine line in order not to create more problems than were being resolved. Obviously one cannot deny association with one's own mother; so the hearing became an *apologia pro vita sua*.

At this time, it is not possible to delve very deeply into some of the other details of preparation except to add that, generally, the more witnesses who appear in person to testify, the better the case. Affidavits, no matter how strong, are not as helpful. Preparation must

be made with a view to having present as many persons as possible from various walks of life who will not only testify to the good character of the accused but who will also illustrate something of the state of mind of the accused. Each should present a conversation or a letter made in circumstances which were not for a public record, showing the position of the accused in opposing the 'Communist line.

At the hearing one will find usually three gentlemen, all of whom will be very pleasant and well-meaning. In a certain sense, however, they are as much afraid of the accused as he is of them. In a security hearing, a Board inevitably is taxed with the thought that a mistake on its part may not be the end of a matter but rather the beginning, i.e., a mistake may plunge the United States into harm. In trying a security case and in presenting witnesses, I have always endeavored to keep the case at a slow pace, to underplay the importance of the matter. The Board must be shown that the accused is a good fellow who likes the same things that everyone else likes, drinks the same drinks, and that nothing of any great constitutional moment is involved. An atmosphere of friendliness and interest in the accused must be created. This is the attorney's main job at the hearing.

Witnesses Rare

When Security Hearings began, it was rare when the Government presented any witnesses in support of the charges. The attorney for the accused was fighting phantoms. He did not even know basically the source of the accusations nor was he ever to see the depositions or statements allegedly given in support of the accusations. More and more in recent years, however, the Government has been submitting witnesses in support of charges. Since, of course, these witnesses are subject to cross examination, the attorney at the hearing is now able to do a more traditional job.

Nevertheless, the burden is still upon him: first, to present the life of the accused in such a way that the Board will become interested

and sympathize; second, to present as many witnesses as possible to show that the accused is neither a hero nor a victim, but just a regular fellow; and third, to create a proper atmosphere at the hearing.

At the close of the Hearing, the lawyer of course, makes the proper motions concerning the constitutional rights of the accused. It must be remembered, however, that these motions, since they cannot affect this particular proceeding (important as they may be on appeal), must not impede the tempo of the Hearing or upset the atmosphere the attorney has created. Although making the record is not unimportant, of more moment is winning before the Hearing Board.

One of the interesting things that may happen after the lawyer has thought the case closed is to receive a notice that the case has been reopened for further proof. Not long ago, I started a case in New York and finished it in Pittsburgh, with an interval of perhaps six months between the former and the latter.

After the Hearing is finally closed, it may be a long wait for the result. If the conclusions are favorable, the matter is ended. If not, there is probably the appeal. However, that can wait until another time. The important thing is the Hearing and how it is conducted.

District

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The Rose of Aberlone

Since March 3 when the RECORD printed portions of Langdell Lyrics, there have been many requests to print again the beloved tale of Rose of Aberlone. Originally appearing in the RECORD in March of 1954, this poem was written by Brainerd Currie, Professor of Law, University of Chicago Law School.

With cross-references to *Sherwood v. Walker*, 66 Mich. 568, 33 N. W. 919, 11 Am. St. Rep. 531 (1887), and to the *Christabel* of Mr. Samuel Taylor Coleridge — not to mention Mr. Ogden Nash, in a tight spot.

I

'T is the middle of night on the
Greenfield farm
And the creatures are huddled to
keep them from harm

Ah me! — Ah moo!
Respectively their quidsome balm
How mournfully they chew!

And one there is who stands apart
With hanging head and heavy
heart.

Have pity on her sore distress,
This norm of bovine loveliness.
Her gentle limbs, her hornless brow
Proclaim no ordinary cow;
Fair as a pasture sweet with hay
Mown in the very month of May!
Nay, fairer yet! And yet more fair!
She stands alone, the short black
hair
Heaving sometimes on her breast,

Shunned and despised by all the
rest.

If one should ask her why she doth
grieve

She would answer sadly, "I can't
conceive."

Her shame is a weary weight like
stone

For Rose the Second of Aberlone.

Her sire is of a noble line

Of most aristocratic kine:

Angus of Aberdeen, black and
polled;

Their name is proud and their get
pure gold.

Their procreation hath won renown,
But Rose the Second hath let them
down,

Her forebears have labored for
bitter meed,

For Rose is barren and will not
breed.

Now the gate that is strait and the
way that is narrow,

Call for a cow to forgo being far-
row.

In a cow one condones a trifle of
loose

Morality if she will just reproduce.
The stars in their courses deliver us
From the cow that is non-frugifer-
ous!

If a heifer aspires to a niche on high
She must certainly plan to fructify,
And when she reaches puberty
Must concentrate on uberty.

No honor is there for the boss of
that ilk

That produceth no young and giveth
no milk;

And this is the reason her kith
make moan

For Rose the Second of Aberlone.

Nor maid nor mother, she stands
forlorn,

The tragic object of pity and scorn,
Her very beauty a mockery
Of all that a proper cow should be.
Rue and hemlock! Sorrow and
shame!

She bears a noble and fertile name,
But her lot is woe, unleavened by
weal:

She bears the name, but she bears
no veal.

She is hardly worth the price of
her feed

For Rose is barren and will not
breed.

In a world of logic she finds no
room;

The curse of *Verwekoe* hath sealed
her doom.

Hiram Walker (no kin, I'm sure,
To the proximate cause of the wa-
ter cure) —

Hiram Walker, of Walkerville.
Hiram Walker, of Greenfield lord —
Here was a wight with an eye on
the till!

Quoth he to himself, "I can't afford
To yield me to sentiments weak and
rash

The critter's no 'count, and I need
the cash.

The rule is laid down from time
immemorial

That a cow must have qualities
more than pictorial."

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And so he hath sold her to Banker
 Sherwood,
 His eyes cast down, for a look at
 her would
 Have melted a heart of the hardest
 stone.
 O weep for the Rose of Aberlone!
 Sold like a carcass, as if for beef!
 From the pain of that there is no
 relief.
 Five and a half mean cents per
 pound
 (What will it be when the meat is
 ground?) —
 Allow two score and ten for shrink!
 What would her sainted fathers
 think?
 The deal is closed, the parties
 bound;
 Will her loins be lean, will her
 steaks be round?
 Sold for a pittance, and sold in-
 cog —
 Lot 56 in a catalogue!
 Insult and injury! Humiliation!

This is no end for a cow of her
 station!
 Said Walker to Sherwood, "I wait
 your pleasure.
 Take her and welcome. And for
 good measure
 I'll throw in a halter [What callous
 mirth!]
 Just to insure you your money's
 worth!"
 At this there escaped a hapless
 groan
 From Rose the Second of Aberlone.

II

Go, lovely Rose, to your degrada-
 tion!

Go, and go with you the tears of
 a nation!

Methinks there ought to have been
 some bard
 To witness that scene in King's
 cattle-yard —
 Some bard who could justly, in
 verse or in prose,
 Make immortal the flowering of
 Aberlone's Rose.

They took her, that October morn,
 Before the dew was off the corn,
 To the cattle-yard with its sinister
 scale,
 The better to finish the dreadful
 sale.
 She was put in charge of good
 George Graham
 (Were there cows to be weighed?
 Well, he would weigh 'em!);
 Never had coat such glossy sheen;
 She was less a cow than an exiled
 queen.

She walked with dignity and pride,
 And as good George Graham
 stroked her side
 He descried a slight rotundity
 Bespeaking, he fancied, fecundity!
 And he read in her mute, appealing
 eyes

A message that caused him glad
 surprise;
 He caught his breath, and must not
 be blamed
 If his voice was broken as he ex-
 claimed,
 "Rose, you're about to become a
 mother!"
 She blushed and replied, "Ich kann
 nicht udder."

Then summoned he Walker of
 Walkerville,
 Who galloped his hardest o'er dale
 and hill,

Who wanted to know what she did
 weigh,
 And what the deuce? wherefore?
 and why the delay?
 George touched his forelock and
 muttered an oath,
 Then controlling himself, as follows
 he quoth:
 "Hold, Hiram! We wag on too fast
 by half,
 For Rose is, unless I'm mistaken,
 with calf!"
 Behold then Hiram, most contrite
 of men
 He apologized to her again and
 again;
 He assured *her* that his heart was
 riven,
 And *she* assured *him* that all was
 forgiven
 "But how did you do it, my Rose,
 my bloom?
 And who is the father — or should
 I say whom?"
 "I did it for you," she said, "my
 liege,
 I did it for you — and noblesse ob-
 lige!"

A star had set, a star hath risen!
 Her spirit, loosed from out its pris-
 on,

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Free from danger, free from fear,
 Soars and sings for all to hear,
 Flush with the knowledge of strong
 fertility,
 Free from the stigma of fell sterility!
 Vindication! O come, rejoice!
 Obbligato for Rose's voice!
 Hers is the bliss for which she
 longed.
 In her all womankind was wronged;
 'T was not *she* who lacked testosterone —
 Not Rose the Second of Aberlone!

Withal, her delicate condition,
 Compassion for poor Hi's contri-
 tion,
 And eke the burning sun at noon
 Made Rose to fall down in a swoon.
 O take her up tenderly, lift her
 with care!
 For Rose the Third is en ventre sa
 mere.

III

But they reckoned without the
 banker, Sherwood.
 Now, one would have thought that
 the gauchest cur would
 Withdraw from this tender and
 moving scene,
 But the banker's heart was little
 and mean
 He twirled his moustache and his
 bill of sale,
 And the words he uttered turned
 Walker pale:
 "I am come to claim such as is
 mine own
 To wit, Rose Second of Aberlone!"
 Full long in speechless thought Hi
 stood,
 Then made reply as best he could:
 "I wot not what to wit may mean,
 But *thou* wost who is right, I ween.
 And if thou thinkest to seize my
 Rose
 Thou hast lost thy wit, and I'll
 punch they nose.
 I wist there was some mistake,
 iwis,
 And now let there be an end of
 this.

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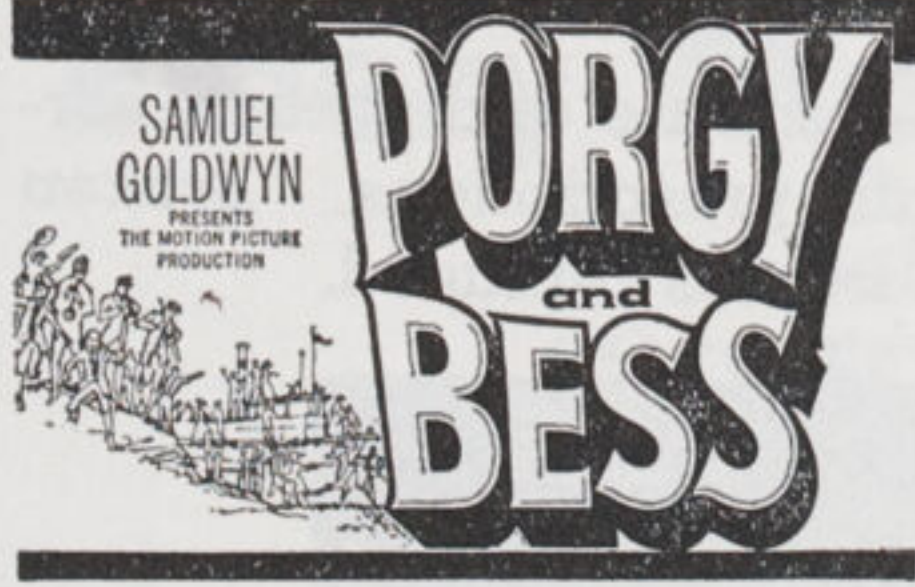
I said I was selling, but now I
 ain't —
 For Rose is, mirabile dictu, en-
 ceinte.
 You bought but a leathern bag of
 bone,
 Not Rose the Second of Aberlone."
 Then Sherwood waxed exceeding
 wroth:
 "Thy prating irks me, by my troth!
 Such sophistries I must abhor;
 I'll hie me to a man of law,
 And though to litigate I'm loth,
 Ere night befalls I'll hale you both
 Before a justice of the peace,
 And thou shalt answer for his fees.
 I'll take this chit that thou hast
 written,
 I'll take it to the highest witan;
 I'll wage my law, I'll have my cow,
 I'll gain my gree, and that's a vow!"
 With that he went off withershins,
 Leaving Hi's world in smithereens.
 Bethink how Rose's heart was
 thrilled

And how her being was fulfilled,
 How mad with ecstasy she went
 When she was found parturient —
 With what delirious elation
 She heard the news of her foeta-
 tion!
 Ah! that were paradise enow
 For any merely mortal cow;
 But her penitent destiny has in
 store
 For gentle Rose one triumph more:
 'T is surely the animal seventh
 heaven
 To be the res in a suit of replevin!
 To be enshrined in a casebook —
 truly,
 This is the bovid ultima Thule.
 Prepare then the forensic lists,
 And chief of the protagonists
 Shall be that procreant paragon,
 Rose the Second of Aberlone.

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A constable took her in custody
 On a writ that was issued by some
 J. P.,
 Who decently weighed her privily
 To see what the bill of costs should
 be,
 And to make right sure that no
 legal fiction
 Should interfere with his jurisdic-
 tion.
 She weigheth full an hundred stone,
 Augmented Rose of Aberlone.

The J. P. gave poor Hi short shrift.
 "This chattel's title has passed," he
 sniffed.
 "Judgment for plaintiff! A deal's
 a deal!"
 Then Hiram straightway took ap-
 peal
 To the Circuit Court for the Coun-
 ty of Wayne,
 Only to be rebuffed again.
 But his lawyer was not a whit dis-
 mayed.
 He asked that a modest refresher
 be paid
 And then he bade Hiram be of good
 cheer
 "In the circumstances our course
 is clear:
 For the pearl of justice we'll fish
 again!
 To the Supreme Court of Michigan
 We'll take our honest and upright
 cause;
 We'll confound old Sherwood and
 give him pause.
 What a bill of exceptions we'll con-
 trive —

Weekend

Entertainment

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BOSTON

UPTOWN — A Woman Like Satan
 11:05, 2:45, 6:25, 10:05; Rose
 Tattoo 12:40, 4:20, 8:00.

EXETER — The Magician — 2:00,
 3:50, 5:45, 7:35, 9:30.

TELEPIX — The Cousins - 11:30,
 1:18, 3:18, 5:18, 7:18, 9:18.

Assignments of error a score and five!
 We'll file a brief that will knock his eye out!
 We live under law, not Jennison's fiat!
 We'll argue the rule and the policy too,
 As any attorney is bound to do;
 We'll rely on basic principle,
 And perhaps be a wee bit technical;
 We'll invoke both logic and history,
 And, if need be, appeal to sympathy;
 We'll quote full pages from Chancellor Kent,
 And refer to many a precedent;
 And should we be short on authority,
 We'll construct a little analogy;
 We'll lean on the wisdom of Joseph Story
 And pound the rostrum and wave Old Glory;
 We'll balance the equities pro and con,
 And when we are through the case will be won,"
 Oh! What will be the judgment's tone?
 What fate for Rose of Aberlone?

IV

The briefs are in, the case submitted.
 The lawyers on both sides acquitted
 Themselves, with nice distinction,
 just
 As earnest counsel ever must
 In fealty to their sacred trust.
 Their arguments had an intensity
 Befitting the issue's immensity;
 And now they linger with cooling zeal
 To learn the upshot of Hi's appeal.
 Now, one of the Bench's keenest students
 Of animal law and jurisprudence
 Was Michigan's Mr. Justice Morse
 If a case involved a hind or a horse
 They would call on him — for that
 was his forte —

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To deliver the judgment of the court.
 He knew far better than any jury
 The ways of domitae naturae;
 And when it came to the genus Bos
 There was no sounder man than Justice Morse.
 And thus 't was fitting that he deliver
 The opinion in this cause celebre.
 "Now that this case has reached its end, I
 Shall endeavor," Judge Morse began,
 "To recount the ratio decidendi,
 Avoiding dicta as best I can.
 The question which is really crucial
 Is whether the mistake so mutual
 Quoad this ruminant's condition
 Is such as justifies rescission.
 That there *was* mistake there is no moot.
 But does it go to the matter's root?
 Or was the supposed sterility
 Mere matter of quality, *i.e.*,
 An attribute or characteristic
 Below the level of facts juristic?
 Was it simply a trait or accident
 Inducing and not impairing consent?
 Did it go to the substance at all,
 at all,
 Or was it merely collateral?
 Did it hamper unduly the parties' wills,
 Or the exercise of their dickering skills?
 In short, did it have anything to do
 With the requisite mental rendezvous?
 "Now, there's a distinction, as I've been taught,
 'Twixt a cow that's pregnant and one that's not.
 In fact, the fallacy is arrant
 Which places a potential parent
 In even the same taxonomy
 With that drain on our economy
 That we deprecate by all that's holy —
 The wretched beast that's sine prole.

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In my submission, pullulation
 Is the vital force of all creation —
 A concept I shall not enlarge on
 Except in an essay in the margin.
 Why, a creature acarpous is incomplete,
 Like to a verse that has no feet;
 Like to an ocean without a breeze,
 Like to a dog that has no fleas;
 Like to the works without the watch,
 Like to the soda without the Scotch;
 Like a delusion without a snare,
 Or a poker hand without a pair;
 Like Louis XV without DuBarry,
 Or like the White House without a Harry;
 Like a ferry without a concertina,
 A coloratura without Rosina;
 Like to spaghetti without Chianti,
 Or like Don Quixote sans Rosinante;
 Like to a satrap without a minion,
 A judgment without a dissenting opinion!
 A cow in which that condition is regnant
 Is what might be called a negative pregnant.
 But what a significant difference
 When a cow has secured her deliverance —
 When she proves that she can become a mother!
 If a man buy one, shall he have the other?
 I have viewed the premise, and do discern
 That here is no scrub but a going concern
 This is an *aperative* boner —
 As it were, an error in persona.
 It's a case of mistaken identities —
 Of udderly different entities!
 (I fear I've been frightfully peripatetic,
 But that is the way of the muse

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nomothetic.)
 Thou, Jennison, Judge of the Circuit, arrest!
 The judgment for plaintiff must be reversed!"

V

'T is the middle of night before the exam,
 And there's nothing to eat but a cold bit

Ah me! — Ah moo!

Mark how the eager students cram,
 What coffee black they brew!
 A dismal specter haunts this wake —

The law of mutual mistake;
 And even the reluctant drone
 Must cope with Rose of Aberlone.
 She rules the cases, she stalks the page

Even in this atomic age.
 In radioactive tracts of land,
 In hardly collectible notes of hand,
 In fiddles of dubious pedigree,
 In releases of liability,
 In zoning rules unknown to lessors,
 In weird conceits of law professors,
 In printers' bids and ailing kings,
 In all mutations and sorts of things,
 In many a hypothetical
 With characters alphabetical,
 In many a subtle and sly disguise
 There lurks the ghost of her sad brown eyes.

That she will turn up in some set of facts is
 Almost as certain as death and taxes:

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For students of law must still atone
 For the shame of Rose of Aberlone.

Calendar

(Continued from page 2)

Wednesday, March 30

The **HARVARD LAW WIVES** will meet in Harkness Commons at 7:30 P. M. Professor Paul Freund will speak on "Past and Present Personalities on the Supreme Court." Election of officers will be held.

The **SOUTHERN CLUB** will hold a luncheon meeting in the Mallory-Smith Room of Harkness Commons at 1 P. M. John R. Murphy, chief of the Atlanta bureau of the *Macon Telegraph*, will speak on "Southern Politics as seen by a Georgia Editor."

The **RADCLIFFE CHORAL SOCIETY** will present a concert in Paine Hall at 8:30 P. M.

Future Events

The **SPRING RECESS** for the Law School will be from Sunday, April 3 to Sunday, April 10.

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CRONIN'S, one of the more picturesque *wienstubs* of the Harvard community for these many years, will close doors at its present address on the evening of March 31. But like the phoenix out of the ashes, it will rise again in new quarters. For those who wish to attend the wake of the landmark, the last evening at the present location will be a date to remember and to recall to one's grandchildren.

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