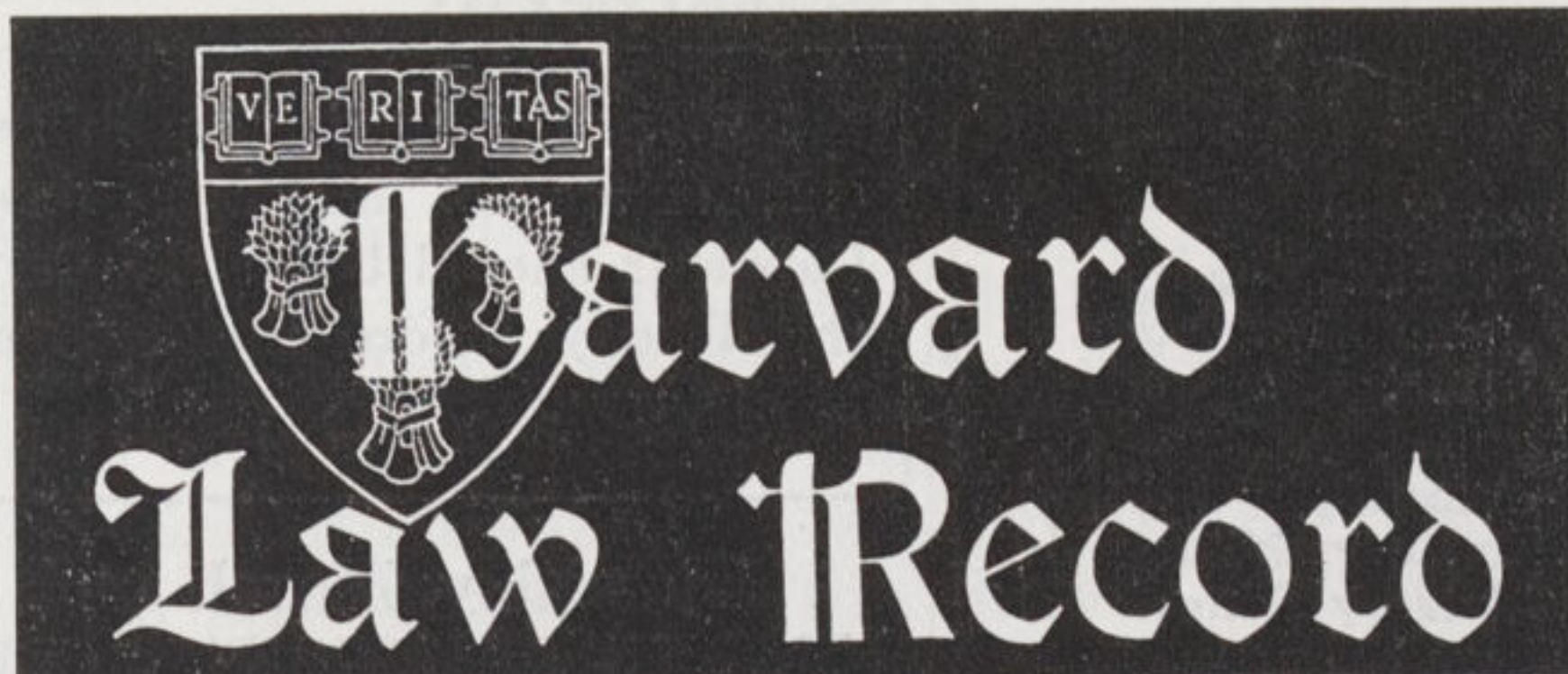




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Ames Final April 11

The Honorable Potter Stewart presides at the final round of the Ames Competition Monday evening, April 11, when the United States Court of Appeals for the Ames Circuit convenes in the James Bar Ames Courtroom. The associate justices are the Honorable Curtis Bok, Supreme Court of Pennsylvania, and the Honorable J. Edward Lumbard, United States Court of Appeals for the Second Circuit.

The case before the court is *United Nations v. Ames Business Machine Company, Inc.* It is a suit to compel arbitration under an agreement to submit all contract disputes to arbitration at United Nations Headquarters in New York City. The petitioner, the United Nations, brought suit in the United States District Court for the District of Ames, but moved to transfer the case to the Southern District of New York for the convenience of the parties and witnesses, and in the interest of justice. The motion was denied.

The Ames District Court ruled that it had no power to remove, because the respondent, Ames Business Machine Company, Inc., was not amenable to process in New York. The court went on to dismiss the petition, ruling that, although federal courts have jurisdiction over actions brought by international organizations, this jurisdiction is not based on Title 28, United States Code. Thus, the arbitration agreement could not be enforced under either federal or Ames law. The United Nations is appealing to the Court of Appeals for the Ames Circuit.

Third year students of the Frankfurter Club will argue for the appellant, and third

year students of the Root Equity Club for the appellee.

The oralists for the Frankfurter Club are Herbert J. Korbel, New York, N.Y., and Burton A. Schwalb, Hyde Park, Mass. On the brief are Michael P. Arra, Mt. Kisco, N.Y.; Charles S. Blankstein, Greensboro, N.C.; Stephen I. Hochhauser, Ossining,



Mr. Justice Stewart

N.Y.; David A. Rakov, Newton, Mass.; Arthur I. Settles, Sunnyside, Calif.; and Richard T. Watson, Maple Heights, Ohio.

The oralists for the Root Equity Club are John C. Milano, Irvington, N.J., and John R. Stahr, Reno, Nevada. On the brief are Myron D. Cohen, Brighton, Mass.; Louis F. Haeberle, III, Minneapolis, Minn.; Arthur

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Harvard Law Record

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Hearsay

There are people who claim that Estate Planning as it is covered in Property II is rather dull, but that in practice it becomes more interesting. Word comes from Wilmore Brown, 33 *Ohio Bar* 270, that Mr. Black's estate plan has little in the way of imagination when compared with the following will filed for probate in the Lucas County (Ohio) Probate Court, February, 1960. The original will was executed over the date of September 29, 1939 and the codicil was dated July 13, 1950.

"A MIND IN IT'S PROPER GROOVE"

- 1 When the Old Grim Reaper beckons me
- 2 To make my trip to Eternity,
- 3 I hope that there will be *no* tears
- 4 Just a few posies, and *damn* few cheers.
- 5 And if I depart from this world of strife
- 6 And am survived by Helen M., my wife
- 7 I give and bequeath to her alone
- 8 The wordly wealth which I then own.
- 9 The personal-touch things which men acquire
- 10 Are to go to son Dick, should he so desire
- 11 These include clothes, watches and rings
- 12 Athletic goods, tools and other such things.
- 13 If Helen should die, 'fore or when I do
- 14 Dick is the one I leave it all to
- 15 And here I wish to *forcibly* state

(Continued on page 15)

CALENDAR

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

Thursday, March 31

The INTERNATIONAL CLUB will meet at 4 p.m. in the Pound Room, Langdell Hall. Professor Ludwik Ehrlich of the University of Krakow will speak on "Basic Principles of International Law."

George F. Kennan will present a lecture entitled "Stalin as a Statesman" in Lowell Lecture Hall at 4 p.m.

Friday, April 1

The HARVARD LAW SCHOOL FORUM will present a panel discussion entitled "College — Community Relations" in the James Bar Ames Courtroom, Austin Hall, at 8 p.m.

Sunday, April 3

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

The FORD HALL FORUM will present David Susskind, television producer, speaking on "Television: Wonderland or Blunderland" at 8 p.m. in Jordan Hall.

Future Events

The Don Cossacks Chorus and Dancers will present a program in Kresge Auditorium, M.I.T., on Thursday, April 7 at 8:30 p.m.

Nicole Henriot-Schweitzer will give a piano recital in Sanders Theater on Friday, April 8 at 8:30 p.m.

The FORD HALL FORUM will present Senator William Proxmire of Wisconsin speaking on "Issues in the 1960 Presidential Campaign" at 8 p.m. on Sunday, April 10 in Jordan Hall.

Another in the series of lectures being given by George F. Kennan on "Soviet Policy in the Stalin Era" will be presented in Lowell Lecture Hall at 4 p.m. on Wednesday, April 13.

The HARVARD LAW WIVES will meet in Harkness Commons at 8 p.m. on Wednesday, April 13.

Class of 1925 Reunion

Sutherland Teaches Old & New

Last Saturday, March 26, the class of 1925 of the Harvard Law School held its reunion. One of the highlights of their gathering was a special Constitutional Law class taught by Arthur E. Sutherland, Jr., who graduated from this Law School with the class of '25. Professor Sutherland's classmates joined current students of Constitutional Law for the event which was held in the Ames Courtroom. Mrs. Erwin N. Griswold, though not a member of either of these groups, was an honored guest.

Professor Sutherland opened the class by apologizing for the fact that it was not to be carried by a coast-to-coast radio hookup. He mentioned that there had been some difficulty because of the recent problems which other shows featuring questions and answers had experienced. "However, we are going to be on tape," Professor Sutherland said, "and we can save that to play back at our 50th reunion in 1975, when we're too old to do anything else."

The Courtroom was graced by the portrait of Eugene Wambaugh, who first introduced the class of 1925 to the problems posed by our Constitution. "Professor Wambaugh retired the year our class graduated," Professor Sutherland said, "but, contrary to popular opinion, he was not a drummer boy in the War of the Roses."

Not Downhill

Professor Sutherland said he was glad that some members of the classes of 1960 and 1961 were present to give proof to the fact that the Law School had not gone downhill since 1925. He then proceeded to call on Peter A. Sutherland, 3L, of Cambridge. Mr. Sutherland appeared to be somewhat unprepared and explained this by saying he had read only the headnotes of the case.

Next to recite was Samuel Becker LL.B. '25, S.J.D. '26, of New York City. The problem involved picketing and the right to free speech. Mr. Becker said he had not changed his mind very much since he had recited on the identical issue in Professor Wambaugh's class.

Professor Sutherland put the problem of a New York Statute which prevented the making of a movie of *Lady Chatterly's Lover*. For an answer to this knotty problem he referred

to J. Edward Lumbard, Jr., LL.B. '25, currently of the United States Court of Appeals for the Second Circuit. Judge Lumbard said he thought there might be a distinction between this case and the picketing case, in that here there was no violence present, at least not the same kind to be found in picketing.

Voting Rights

Richard B. Montgomery, Jr., LL.B. '25, of New Orleans, La., rose to recite on the federal voting rights cases. Mr. Montgomery stated that he was in full agreement that the federal government should have full control over federal elections, but that they did not have any jurisdiction over questions of state election.

Professor Sutherland then switched to the question of state pre-emption of federal regulation of the railroads. He thought it appropriate to put this problem before R. Ammi Cutter, LL.B. '25, Associate Justice of the Massachusetts Supreme Judicial Court, since Justice Cutter had recited on the same question on April 30, 1925.

Other students who had the chance to recite on this historic occasion were John M. Wisdom, 2L, of New Orleans, La., and Robert M. O'Neil, 2L, of Cambridge.

At 1 p. m. Professor Sutherland adjourned the class so that he and his classmates could have their picture taken on the steps of Austin Hall.

— Horwitz

Forum Tomorrow Night

Harvard v. Cambridge, Yale v. New Haven: the problem of university towns will be discussed at the Law School Forum tomorrow evening, April 1, at 8 p. m. in the Ames Courtroom. On the panel will be the Hon. Edward A. Crane, Mayor of Cambridge, and the Hon. Richard Lee, Mayor of New Haven.

Joining these panelists will be Professor Martin Meyerson, director of the Joint Center for Urban Studies of M. I. T. and Harvard; Mr. Alfred Vellucci, a member of the Cambridge City Council, who has long been the spokesman for those Cambridge citizens who object to any expansion of Harvard's facilities; and Mr. Julian H. Levi, University of Chicago.

Disarmament—the Problems It Presents

Disarmament, its past failures, its present prospects, was the topic before the Law-Graduate Republican Club last week. Charles A. Coolidge, LL.B. '22, was the speaker.

Since Mr. Coolidge, a partner in the Boston law firm of Ropes, Gray, Best, Coolidge & Rugg, has served as special assistant to Secretary of Defense McElroy and as Assistant Secretary of Defense under Secretary Lovett, his knowledge was largely first-hand.

The history of disarmament has been dismal, Mr. Coolidge noted at the outset. Disarmament agreements are "built on sand" because they are enforceable only by war. The problem is further complicated if the Soviet Union becomes a party to a disarmament pact; for the Soviets have a rather poor record for living up to agreements. Of 53 agreements the United States has had with the Soviet Union, the latter has broken 49.

Enforcement Difficult

The present emphasis on disarmament is due to nuclear weapons and especially to intercontinental missiles. But the nature of these weapons makes the effective enforcement of any disarmament agreement more difficult, as there is no way of detecting a secret missile.

Moreover, the two component parts of a missile — the warhead and the vehicle — are absolutely essential to other programs and therefore cannot be banned. The warhead is necessary in the development of atomic energy for peaceful purposes, and the vehicle is a vital part of the space program.

The Soviets are "sincere" in their current peace drive, Mr. Coolidge asserted. They sincerely want a totally disarmed world without a peace force; for this would leave them free to pursue their program of infiltration. From the United States viewpoint, however, the idea of giving up nuclear weapons is dubious, since they constitute its main defense.

Ways to Limit

In spite of this discouraging background, Mr. Coolidge suggested several ways to limit the nuclear race. One such way would be an agreement not to orbit weapons in outer space. Another would be the development of United Nations "presences" in various countries to avoid minor wars which might spread.

A third deterrent to the nuclear race would be to make our retaliatory force invulnerable, so that, even after an attack, it would be possible to inflict tremendous damage on the enemy.

In connection with this last method, Mr. Coolidge pointed out that an attacker must plan on using three missiles to destroy each one of the victim's retaliatory missiles. This means that a nation needs only half as many missiles as its enemy in order to deter him. This fact should enable the leveling off of armaments, since the Soviets apparently recognize this ratio. Of course, new developments could upset this ratio at any time.

Mr. Coolidge pointed out that it is difficult to determine the position of the various countries at the current disarmament conference. France seems to want delivery vehicles banned. The Soviet Union has suggested the banning of ICBM's first, but this is the last thing the West wants. Finally, there is some hope that the Soviets will eventually overcome their phobia about inspection.

— Matia

Congressmen Here

Three Republican members of the U. S. House of Representatives will address an open meeting of the Law Graduate Republican Club on Monday, April 11th in the meeting room of Harkness Commons at 1:40 p. m.

Congressmen Robert P. Griffin of Michigan and Robert Wilson of California have already indicated their intention to participate in the program. A third Congressman, whose name has not yet been released, will be in attendance.

The program, which will consist of short speeches by each Congressman followed by questions from the floor, is part of a nationwide project sponsored by the Republican National Committee in which three-man Republican Congressional teams are visiting college and law school campuses.

Congressman Griffin represents the Ninth District of Michigan and is a member of the House Education and Labor Committee. He figured prominently in the labor legislation debate of 1959, which resulted in the enactment of the Landrum-Griffin Labor Bill.

Congressman Wilson of California's 30th District is currently serving his fourth term in the House, where he sits on the Armed Services Committee.

Soia Mentschikoff Speaks

Arbitration and the Courts

Professor Soia Mentschikoff of the University of Chicago Law School addressed the Student Bar Association last week on "Arbitration and the Courts." She discussed a study designed to investigate the extent to which individual backgrounds influence final decisions in commercial arbitration cases and how this relates to other areas of the law.

The study conducted by a group including Professor Mentschikoff sought to find on what basis decision-makers formulate their judgment. One of the group's basic assumptions was that: "The decider, no matter how impartial, cannot escape his previous training." Even though a judge may be impartial, his background will nonetheless affect his decisions. Miss Mentschikoff commented that, if this assumption is correct, then it should hold true for arbitrators as well as judges.

The speaker related that the study was conducted by using 180 arbitrators selected from a pool of the American Arbitration Association. It might be noted these arbitrators have reached a higher educational level than the average juror, the level being college graduate or higher. This group, representing various trade organizations, is not paid. For the purpose of this test, brokers, bankers, manufacturers and lawyers were chosen to sit on 60 panels, three to a panel.

Hypothetical Case

The hypothetical case presented to the panels was recorded on tape. It was based on an actual case which involved a breach of contract. It was hoped, said Professor Mentschikoff, that the deliberations would show how much the occupational backgrounds of the panel members affected their opinions. The arbitrators were given a questionnaire before any deliberation to determine toward which party they tended, and how strongly they felt. The deliberations which were recorded were followed by a more detailed questionnaire which included questions to determine personality structure.

The conclusion of the study showed that each occupational group acted in accordance with the predicted behavior. The brokers tended to favor the defendant, who was basically a broker. The manufacturers tended to

favor the plaintiff, because such a decision would tend to favor long-term contracts. Although the results concerning bankers and lawyers were not as conclusive as those of the other groups, they tended toward favoring the written word and upholding the contract.

Professor Mentschikoff stated that the individual arbitrator's selection of the most important issue was largely determined by previous training. "Once the issue was picked, the decision followed as night follows the day." For this reason, the speaker



Professor Soia Mentschikoff

stressed the importance of a lawyer urging upon a group of arbitrators or a court certain issues which he feels will lead to a decision favoring his client. If this is accomplished, the judges will invariably decide the outcome in favor of the party whose issues are accepted as the controlling ones.

Shifting Sides

Another point brought out by the speaker was the extent to which arbitrators changed their minds during this study. During the course of deliberations, 48 persons changed their minds. It was found that in most cases

the "shifters" went along with the majority; however, in about 30 per cent of the cases they abandoned the majority view.

An interesting question was to what extent the "shifters" and "persuaders" picked the intermediate and extreme positions favoring the same parties as in the first questionnaire filled out prior to deliberations. It was found that the "persuaders" took strong positions, while the "shifters" were fence sitters. Lower awards were given by the panels on which "shifters" sat. This meant that there was a degree of compromise on the panels with those persons who changed their minds. In addition, the discussion was directly proportional to the disagreement among the members of the group.

The professor mentioned that deliberations do play an important part in the outcome of a case as evidenced by this study. Although the educational level of the arbitrators was high, there were many who did not understand, at first, what was going on in this hypothetical case. Translate this into a technical anti-trust case decided by 12 jurors, said the professor, and it is easy to see why people go along with the majority. This leads one to question whether decision makers should not be specifically trained in the art of decision making, as well as in the subject matter of the case. — Goldberg

Defenses in Patent Actions

Donald Brown, Chief Patent Counsel for Polaroid, addressed the Patent Law Club last week on the many defenses available in infringement actions.

The "claim" in the patent is the measure of the patentee's protection against infringement. The Supreme Court has clearly indicated that a claim is not a "rose of wax" that can be twisted so as to broaden or narrow its scope. They have so ruled on the theory that the patentee is free to "scope" his claim in the first instance, not later. This lets the public have proper reliance on the face of the patent.

As a result, in the infringement proceeding, a popular defense is to concede that plaintiff's patent has not been anticipated by prior invention or prior public use, but to assert, nevertheless, that the claim be restricted to the face of the patent and to contend that such does not encompass the alleged infringement. This, of course, upholds the validity

of the patent, but clears the defendant of the infringement charge. If this defense succeeds in the lower court, it is unlikely that it will be reversed, since it gives "a little something" to both parties.

Other popular defenses include allegations: that the specification is not clear enough to enable the average person skilled in the art to construct the invention without experimentations; that the machine producing the same end product functions in a different manner; that the patent was secured by misrepresentation; or that the patentee took a position during the prosecution of his patent application or in an "interference" proceeding which estops him to assert infringement.

St. Thomas More Elects

At an election meeting held last week, the St. Thomas More Society selected William M. Sullivan, 2L, Rego Park, New York, to head the group for the coming year.

Chosen to serve as the other officers were: Roderick D. McNeil, 2L, Piedmont, California, Vice-President; Mary Ann Abend, 1L, Syracuse, New York, Secretary; James Murphy, 1L, New York, New York, Treasurer; and Oliver S. Sughrue, Jr., 1L, Milton, Mass., Social Chairman.

Mr. Sullivan announced that the final function of the club for the year will be the Annual Banquet at the Harvard Club in Boston on Thursday evening, April 21. Rev. John LaFarge, S. J., noted Jesuit writer and scholar, will speak.

No Record Next Week

Due to spring vacation at the Law School, there will be no issue of the RECORD next week. The next edition will be in two weeks, on Thursday, April 14.

Ames Final

(Continued from page 1)

Morbarger, Owensboro, Ken.; Robert E. Shapiro, Newton Centre, Mass.; Richard L. Slater, Athens, Ohio; and John G. Van Dusen, Maplewood, N. J.

The Ames finals marks the first opportunity for Mr. Justice Stewart to preside at the Law School. The newest member of the Supreme Court, Justice Stewart was appointed to the high court by President Eisenhower in 1958 to replace the retiring Justice Harold H. Burton. — Barnitt

Role of Small Nations in U. N.

"The United Nations can be defined as 'that international organization where something always disappears.' When there is a problem to be solved between two small states — the problem disappears. When there is one between a large state and a small one — the small state disappears. And when it is between two large states — the *United Nations* disappears."

This remark was the first of a long and entertaining series delivered by Dr. C. W. A. Schurmann on the subject of "The Role of the Small Nations in the United Nations" before the last general meeting of the International Law Club.

Dr. Schurmann, who is permanent Netherlands representative to the United Nations,



Dr. Schurmann

was willing to admit that there were also more serious definitions of the United Nations. Possibly the most authoritative is that which appears in the United Nations Charter itself. The Charter describes it as an organization with the purposes of maintaining peace and security in the world, supporting the principles of self-determination of all peoples, bringing about economic and social cooperation between nations, recognizing and

protecting the sovereign equality of all nations, standing against intervention by one nation in the affairs of others, and serving as the medium for harmonization of state action for the attainment of common ends.

Substantial Progress

However much opinions vary as to the success of the organization in achieving some of these goals, Dr. Schurmann feels that no one can doubt the substantial progress that has been made in creating harmony between national administrations, even though this has been achieved "more at the bar in the Delegate's Lounge than it has on the floor of the General Assembly."

The speaker recognized that there were many criteria that could be used for deciding which countries in the United Nations were small. In fact, one could be realistic and say that all but two of the member nations were relatively small nations. But for the purposes of his observations, Dr. Schurmann chose to regard the 77 member nations who were not among the five on the Security Council as small, and the rest as the large nations of the world.

Since the small nations are, by definition, not members of the Security Council, the General Assembly is the stage on which they perform their important roles. This forum comprises delegations from all 82 member nations and meets once a year "from the third Tuesday in September to the day of the last sailing of a 'Queen' that will get the delegates home in time for Christmas." The Assembly has competence to discuss any subject covered by the United Nations Charter (which covers everything) unless the subject is presently under discussion by the Security Council. Even this sole restriction is easily surmounted by giving the subject a name different than that which it bears before the Council.

No Force of Law

The General Assembly has power to pass resolutions making recommendations to member nations, but since these do not have the force of law and are usually disregarded, the power does not make the General Assembly a very important group. However, the Assembly does have a strong influence on international affairs in more subtle ways. The very fact that international problems

are argued publicly before the nations of the world makes a contribution to world peace. The prospect of public disclosure and debate itself has a deterrent effect on countries contemplating doubtful activities. The fact that each state can see where the others stand on issues prevents trouble being started with the mistaken hope that others will approve.

Moreover, since every state must present its case in terms of the principles of the United Nations, these principles are insinuating themselves into the minds of people as accepted rules of conduct. If nothing else, it is psychologically soothing for the injured state to be able to air his grievance before sympathetic members. "As Voltaire said: 'Nothing is so unpleasant as to be hanged in secret.'"

In the workings of the General Assembly, the small nations play a significant role. For the most part, the officers of the United Nations come from the small countries, since the big countries would rather have it that way than to have other big countries get the official positions. Moreover, every country has a chance to speak on every subject considered by the Assembly. Thus the small countries get as much chance to make their views known as the big.

Band Together

Most important is the fact that the small countries band together in voting groups, which multiply their influence on policy. And, since one of the big countries is usually at the head of the voting group, the small countries can bring pressure to bear on the Se-

curity Council through the group head.

Two areas in which the small countries have been very successful in influencing policy are those concerning the self-determination of former colonial territories and aid to underdeveloped countries. Greatly through the efforts of the small countries, the number of non-self-governing territories has been reduced from 74 in 1946 to 55 at present. The ultimate aim is independence for all countries.

The small nations were instrumental in setting up a United Nations development aid program that now includes an active World Bank, numerous technical assistance agencies, and a Special Fund for pre-investment activities. Small countries are also significant contributors of capital to these programs; Sweden and the Netherlands are the largest *per capita* contributors among the member nations.

Dr. Schurmann said that he realized that the picture of the United Nations that he had painted would probably not accord with most people's idea of that group as a lofty moral body. But he thinks that his view comports more with reality. "One can afford to be moral only when his interests are not at stake. Ninety per cent of U. N. policy is based on the pressures of local interests — not morality or law. The United Nations is a political body, like any Parliament. It seeks only to get opposing interests to work together and compromise in a peaceable fashion."

— Baron

ART CONTEST: Bob Gelber (right) is shown here receiving the first prize for his winning creation, "Schoolward Bound," in the Third Third Floor Floor Art Contest. Making the presentation is Bill Jones, director of the auspicious event.

Shown with the two is the winning creation, itself, "Schoolward Bound."

And everyone was happy.



Differing Views on Cuba

"Cuba's Revolutionary Government seeks liberty with bread," declared Dr. Manuel Bisbe, Cuban delegate to the United Nations, last Friday night at the Law School Forum. To this end, asserted Dr. Bisbe proudly, Premier Castro has lowered rents, begun agrarian reform, cut public utility rates and started vast public works programs. Calling these a partial list of accomplishments, Dr. Bisbe blamed some Americans for hampering Cuba's efforts by a "vicious campaign of calumnies, lies, airplane aggression, and threats of invasion."

A leading lie, according to Dr. Bisbe, is "the baseless assertion of Communist infiltration in Cuba." In answer, he pointed to the apparent support given to Castro by the Catholic Church and to the Premier's own repudiations of belief in Communism. Dr. Bisbe approvingly quoted Cuban Foreign Minister Raul Roa, who last November wrote Secretary of State Herter that "the false charge of Communism is maliciously promoted by our internal and external enemies as a pretext for intervention."

Another lie, in Dr. Bisbe's view, is that Cuba is exporting revolution. Instead, he asserted that Cuba was the victim of attacks.

Cause of Hostility

Dr. Bisbe suggested that a virulent cause of United States-Cuban hostility is "American robber barons" who owned most of Cuba's best arable soil before the revolution. "Some 46 per cent of the land was controlled by one and a half per cent of all owners," he stated. These "interests," thinks Dr. Bisbe, have encouraged the United States State Department to conduct a misguided policy toward Cuba. Specifically, he criticized the United States for: offering hospitality to Batista's war criminals; permitting hostile planes to fly from Florida; threatening economic reprisals despite international agreements forbidding a unilateral cut in sugar quotas.

Panelist Samuel Halper, a contributing editor of *Time* magazine, assailed Dr. Bisbe's word-picture of thriving democracy in Cuba. Asserting that the Cuban newspapers *Preense Libre* and *Diario de la Marina* are near collapse because of governmental pressure, Mr. Halper said this was "one of the signs that

dictatorship is fast closing in." Another panelist, Dr. Raul Roa, son of the Cuban Foreign Minister, replied that the papers were being forced out of business because they had clear connections with the Batista regime.

Charging Communist infiltration, Mr. Halper declared that "without doubt, Ernesto Guevara, Cuba's economic czar, is a Communist." Mr. Halper said he had once asked Premier Castro about Guevara and was told: "We do not emphasize the things that divide us."



Dr. Bisbe (l.) and Raul Roa

To this, Donald Hogan, former correspondent in Cuba for the *New York-Herald-Tribune*, added that Cuba's land reform is guided by the slogan: "The land belongs to him who works it." This, he said, coincided with Marxist economics. Dr. Roa sharply replied that Cuba, unlike Communism, recognizes private property rights.

Blunt talk by all participants characterized the panel discussion. The moderator, Law School Asst. Vice Dean William S. Barnes, said the acrid exchanges were regrettably typical of current Cuban-American relations. When Dean Barnes asked for ways to improve relations, Mr. Halper suggested that Cuba halt its "trend toward popular tyranny." But Dr. Bisbe called for an end "to the campaign of vilification originating in the United States."

— Seith

Conference of the Student Bar

The following are reports on the various speakers and other highlights of the North-eastern Conference of the Student Bar (American Law Student Association). The conference, attended by delegates from law schools in the First and Second Circuits, was held at Boston College Law School, March 24-26.

Thomas Lambert

"Harvard Law School: that is where they cast artificial pearls to genuine swine," stated Thomas Lambert, Editor in Chief of the NACCA Law Journal, in his keynote address at the 11th annual conference of the First and Second Circuits of the American Law Student Association.

Lambert, former Dean of Stetson University Law School and Assistant Prosecutor at the Nuremberg trials, felt that the purpose of law school was to "hone the mind," not merely to assimilate rules of law. He stated that he agreed with Professor Warren A. Seavey that a study of the law of torts was one area best adapted for this honing practice, and pointed out that seven out of 10 judicial opinions rendered today are in the field of personal injury, and that most of these deal with medico-legal matters. This being the case, Mr. Lambert was of the opinion that the lawyer had to strive to recapture the spirit of the Renaissance that, "nothing shall be foreign to me." In this area of legal education, he said of Harvard, "I don't see how an institution with non-delegable duties can take a slighting attitude toward personal injury law."

Mr. Lambert went on to point out how the law of torts was serving to reformulate outworn judicial theory. An example is the role of *stare decisis* in tort law. Although this doctrine was felt to be of value in lending stability to commercial and property arrangements, it has least application in the law of torts. Lambert said, "*stare decisis* is a golden rule, not an iron one. In torts, no rule is settled until it is settled right." He believes that the traditional flexibility of judge-made rules of law in the United States fostered the general respect for rule of law that exists in this country today.

Socrates, Lincoln and Thoreau were cited

as examples of this great tradition of civil disobedience as a method for peaceful change. As a modern illustration, the Mississippi and Michigan Courts were praised for judicially extending the scope of recoverable damages in a wrongful death action beyond the scope of Lord Campbell's Act.

"Why have gaslight verdicts in the atomic age?" the speaker asked as he launched into journalists who decry a shocking increase in the size of negligence recoveries. Lambert admits that verdicts are on the increase, but points out that a totally disabled man of 30 should recover \$325,000 for loss of services alone if his average salary were \$6,000, and that creeping inflation will reduce the future value of any award.

Other reasons for increased verdicts are the judicial trend to allow new items of recovery, such as phobic apprehension, and the fact that the plaintiff's bar has finally broken through the defense monopoly in the proper elicitation of expert medical testimony.

William J. Curran

William J. Curran, lecturer in legal medicine, gave an interesting workshop on the presentation of medical testimony. Witnesses, chosen from among the delegates, acted as guinea pigs as Prof. Curran, who teaches both at Boston University and Harvard, demonstrated proper and improper methods of displaying the credentials of an expert to the jury, disclosing the fact that the Doctor will, quite properly, be paid by the party for his appearance in court, and eliciting medical facts in terms meaningful to the lay juror.

Prof. Curran capped his remarks by showing a movie which illustrated proper and improper courtroom technique in direct and cross-examination of a medical witness, and pointed to the proper use of visual aids. Also discussed was the proper technique of helping the jury to place a monetary value on pain and suffering.

Parochial Aid Forum

Presented at the Student Bar Conference was also a forum on federal aid for parochial schools, arranged by Professor Mark De Wolf Howe of the Law School, and featuring Professor Paul Heffron, Chairman of the Department of History and Government of Boston

College, and Mr. Leo Pfeffer, Assistant Counsel for the American Jewish Congress and prominent advocate for the separation of church and state. Mr. John Cort was moderator.

Mr. Heffron, speaking in favor of federal aid, asked that the problem be thought of first in the context of the larger problem of any federal aid to education. Once a conclusion has been reached that federal aid in general would be desirable, it is then appropriate to examine the problem of federal spending for parochial schools.

Mr. Heffron feels that Supreme Court decisions have not ruled out the chance for federal aid. He cited indirect aid which is now being granted to parochial education, such as tax immunity and use of some public facilities.

Concluding that the question was still open, Mr. Heffron asked that the matter be considered in light of the public service being rendered by the parochial schools in helping fill the educational needs of this country.

Opposing View

Presenting the opposing side, Mr. Pfeffer, who represented the appellant taxpayers in the *Zorach* case, 343 U. S. 306 (involving a New York statute granting release time to students to attend religious schools), argued the question of constitutionality of federal aid to parochial schools.

After a discussion of relevant precedents, Mr. Pfeffer used the negative implications of *Zorach* to fortify his premise. In *Zorach*, Mr. Pfeffer pointed out, the Supreme Court upheld release time for religious education only because it had been established that there would be absolutely no use of public funds in providing the release time. He asserted that, if the spending of public funds for religious aid had been constitutional, there would have been no need for the Court to go to such pains to show there had been no use of such funds.

Even assuming that federal aid would be constitutional, Mr. Pfeffer contended that such aid would result in more ultimate harm than good. He cited the Province of Quebec where there are no public schools, and where Catholic and Protestant school systems both exist. He feared opening the door to this type of schooling.

Mr. Pfeffer also felt that federal aid would be ultimately harmful to the parochial schools themselves. He contended that, once the flow

of funds was started, the flow of government regulation was sure to follow.

Election

Marvin Garbis, 2L, Baltimore, Maryland, was elected to a national Student Bar Association office at the Northeastern Conference of the American Law Student Association.

The First Circuit delegates elected Garbis to the position of National Vice-president, First Circuit. As the Student Bar officer responsible for the First Circuit, he will coordinate the Student Bar activities at the law schools of Boston College, Boston University, Harvard University, the University of Puerto Rico, and Suffolk University.

Garbis will also represent the First Circuit on the Board of Governors of the American Law Student Association.

Summer Intern Programme

Resuming a practice followed several years ago, the Law School will nominate one or two candidates for the summer interne programme at the United Nations Headquarters in New York. The interne programme includes practical work in one of the divisions of the United Nations Secretariat, along with seminars and lectures about the United Nations and its operations.

Nominations will be made from among students in the second year and graduate students from abroad, who have studied an appropriate course in International Legal Studies. Those interested in applying should see the Secretary of International Legal Studies before the spring recess.

Erratum:

Public International Law, to be taught by Professor R. R. Baxter and Assistant Professor Stephen Schwebel, should have been included in the listing of new courses, published in the RECORD on March 17. This course, considered experimental, will deal with the nature and function of the law which governs the conduct of nations and of international organizations. It will draw upon the bodies of law which have hitherto been separately identified as "International Law" and "International Organizations."

Experiment in International Living

Many students each year take advantage of a program called the Experiment in International Living. As a result, both United States students going abroad and foreign students coming to the United States benefit in an experience highlighted by a "homestay." In this article are expressed some of the opinions and experiences of people who have been and are presently in this experiment.

With the approach of spring, thoughts of most law students turn to the coming examinations, but a few are thinking ahead to the coming summer which will find them travelling to various foreign countries in Europe and the rest of the world. These students are the group leaders of the Experiment in International Living, an organization which plays an important part in the lives of several members of the Harvard Law School community.

What is the organization which plays such a role in the summers of these law school students, and what kind of work is done by those from Harvard who participate? For answers to these questions we talked to some of the people who have taken part in the program in the past.

The Experiment in International Living is an organization which is responsible, as part of its program, for sending about 1200 American students, in groups of 10 students and a leader, to 26 different countries for a two month period. There is also a similar experiment pro-

gram bringing foreign groups to the United States. The groups differ from the usual tour, however, in that the Experimenter's trip centers around a "homestay"—four weeks of living as a member of the host family in their own home. The last four weeks are spent in traveling, hiking, or cycling through the particular country visited, in a group with each American accompanied by his host brother or sister. In return for the hospitality extended by the foreign family during the first month, the expenses of the host brother or sister for the month of travel are paid by the American experimenters.

Unique Feature

The unique feature of the Experiment program, and central to its philosophy, is the homestay. By immersing himself in the daily activities of the foreign family rather than associating continually with other Americans, the student is better able to come to know the country that he is visiting. He becomes acquainted with its people as individuals.

He is more likely to come away

with a true picture of the attitudes of the people from talking to relatives, friends, or business associates of an Experiment host family than by chatting with English-speaking waiters and guides in tourist hotels. In a family group, reserve can melt away and all concerned are able to discuss more honestly and candidly the national attitudes toward such problems as segregation, Communism, and democracy, as well as personal problems or differences in everyday living.

Miss Zona Mae Fairbanks, 3L from Richmond, Virginia, who led a group to Italy, noted that the purpose is to understand one's new family and the country through them and to develop personal friendships, rather than to play the usual tourist and cram in as many

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sight seeing trips as possible. Dr. Donald B. Watt, began the program thirty years ago by taking a group to Switzerland. The program grew slowly until World War II, and all groups then went to Europe. Since the end of the war, however, it has expanded greatly and now groups visit countries in Africa, Asia, and South America as well as Europe.

Serious Problem

Because the homestay has always been considered the heart of the Experiment program, a serious problem was raised for officials of the organization in February of this year. At that time, the Bureau of International Youth Travel of the USSR officially rejected the Experiment's request for homestays in 1960, causing them to consider discontinuing groups to Russia. Some feel that sending a group without a homestay violates the integrity of the Experiment.

Others consider the Experiment's basic goal to be the fostering of international understanding, not the providing of homestays, and understanding is nowhere more needed than in Soviet-American relations. It is further reasoned that if the Experiment continues to participate, and maintains pressure, it may eventually win a homestay, whereas there is almost no hope if it withdraws now. Also, maintaining any program in the Soviet Union increases the chances of sending normal groups to the satellite countries.

A considerable amount of the success or failure of the program depends upon the group leaders. These may be graduate students, law students, or other older people

who have been abroad before, many on the Experiment program.

Responsibility Begins

Their responsibility begins on the ship which carries the groups to Europe or the various other countries. During the week and a half that the group is travelling, the leaders conduct an orientation program which is meant to prepare the students to better understand the countries to which they are going and the families with whom they will stay.

As explained by Richard A. Griscom, 2L of Marlton, New Jersey, who has led a group to Germany and will lead another to Mexico this summer, they conduct discussion groups at which the students acquaint themselves with the history and art and other aspects of the culture in the country to which they are going.

The group leaders do some lecturing, but a great deal is learned by discussions among the students themselves. For this purpose, they are urged to prepare themselves beforehand in order to be able to contribute to the learning of the group. He noted that language classes are conducted as well, and the leaders try to anticipate problems that will arise after arrival in the foreign country, particularly those resulting from differences in living conditions and from the close relationship with the family.

During the two-month stay in the foreign country, the leader is busy with many different responsibilities. Financial arrangements and keeping track of the funds of the touring group during the second month which is spent travelling are only part of the problem. Personal problems must be treated as well, for the leader is responsible for the well-being of all his charges.

William S. Shepard, 2L, from Concord, New Hampshire, who led a group to France, pointed out that the purpose of the Experiment is to integrate the visitors into the families, not to have them remain guests. He noted the difficulty that arises because of the interest peaks that develop during the summer.

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Interest is high on the boat going over, particularly at the beginning, and perhaps the high point is at the moment of meeting the family upon arrival.

Such interest usually carries for about a week, then emotional fatigue is apt to develop. This results in part from the differences in the way of living, and also from inability in many instances to communicate in the foreign tongue to the fullest extent. Frustration can result from being unable to say simple things to those around you who do not speak your own language.

Involved

During this time, the leaders are involved in planning for the coming month-long trip through the country and in conducting shorter trips about the city in which the group stays. Much of the traveling by some groups is done by bicycle, and arrangements for places to stay, routes to take, must all be prepared.

The experimenters have their final time together on the ship coming home. At this time discussion and evaluation of the entire visit and the program take place, and the leaders must make the students realize that they are returning to surroundings where they will find few who have had experiences like their own. Their perspectives may have changed, and

their understanding of their own country been broadened.

The Experiment program affects the Law School community in another aspect, too, through the program with incoming Fulbright scholars. In an effort to help Fulbright students become acquainted with this country, the Experiment arranges homestays for them here before they enter United States universities.

Vaulable Experience

Luc Hinnekens, a Belgian graduate student in the International Program in Taxation and a candidate for the LL.M. degree, testifies to the value of this experience. Enroute to the Law School this past August, he arrived in Berlin, New Hampshire with a group of approximately ten Fulbright students from Belgium, France, and Italy who spent two weeks or more there in American homes.

He emphasizes the value of his visit by the observation that without it he would have had no real acquaintance with American life outside of the university community. The student from another country who works for a degree at the

Law School has little time available for excursions away from his books, so a preliminary introduction to life in a family here provides a background against which to evaluate his experience.

This visit also provided him with a "family" in this country to whom he could return when the Christmas holidays broke into the study routine. To a man whose own family is on the other side of the Atlantic a foster family in this country is welcome. He remembers his friendly reception in the home of the New Hampshire family and his reluctance to leave his hosts at the end of his homestay.

He pointed out a difference between Americans and Europeans which other members of the Experiment have also found. People there circulate in smaller groups

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than do Americans, who tend to develop large numbers of friends and acquaintances. Europeans, on the other hand, tend to develop fewer — but closer and warmer — friendships. Their social circles are smaller. This results, perhaps, from the fact that they do not move as much, but tend to live throughout their lives in one community.

The Law School, it thus appears, has both contributed to the program of the Experiment in International Living and benefited from it. Scholars who visit the School are enriched by contacts provided by the Experiment program. Students from the Law School, on the other hand, provide leadership of a calibre that will continue to further the ideals of this exceptional effort in international friendship and understanding. And they return, bringing with them a greater awareness of the people and places they have seen and a fresh perspective and new appreciation for their own country.

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Hearsay

(Continued from page 2)

- 16 I presume they will aid my poor soul's fate
- 17 By having quite a few masses read
- 18 For benefit of the departed dead.
- 19 Now if old Fate by some peculiar trick
- 20 Thru one disaster takes Helen, I, and Dick
- 21 I wish to here insert provision
- 22 For the estates complete division
- 23 My debts of course should all be paid
- 24 And provision for 200 Masses made
- 25 Half the remainder goes to Frances, if living
- 26 'Cause she seldom receives, but always is giving
- 27 The other half is to be evenly divided
- 28 'Tween the Orphans, And heirs by law provided.
- 29 If I die ere lines one to 12 are too late
- 30 Helen, may bondlessly administrate
- 31 If the next six lines should come to rule,
- 32 Dick will act as the spending tool,
- 33 From line nineteen thru twenty eight
- 34 Leo Horrigan shall act — but at low fee rate.

The above is my last will and testament,
Made while sober, and with full intent

The witnesses named below can prove

That 'twas made with a mind in it's proper groove.

CODICIL

To be inserted between lines 24 and 25, of my last will and testament — dated September 29th, 1939: —

- 24A Since the will I authored in '39
Fate he treated Richard fine
He acquired a wife — Eileen M.,
And Richard C. 2nd, has been born to them
They may have two, or four, or five
So I here insert before line 25
That all their kids get an even split
After parents, and grandparents, are through with it.

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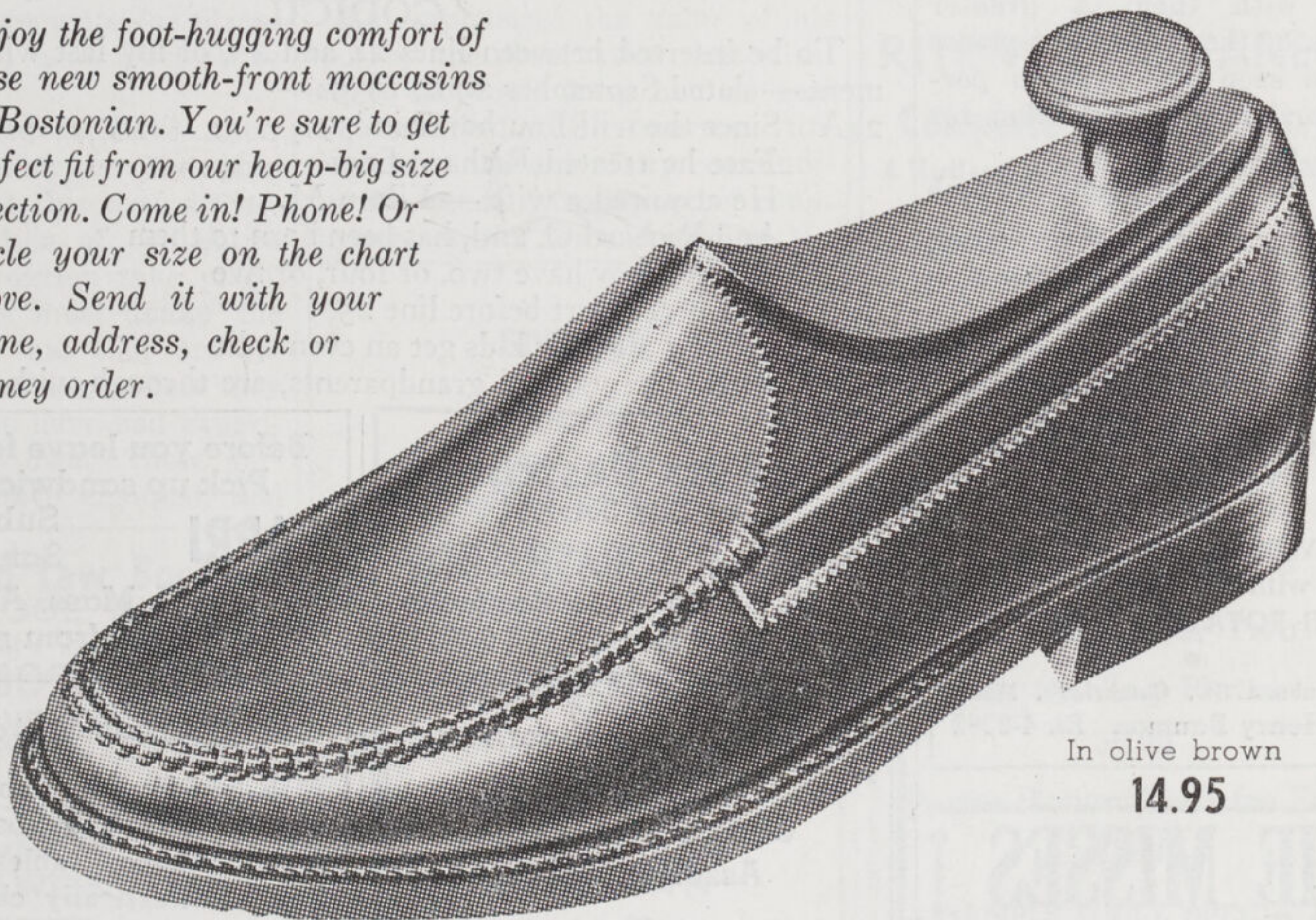
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A							x	x	x	x	x	x	x	x	x	x	x	
B			x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
C	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
D	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
E			x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
EE			x	x	x	x	x	x	x	x	x	x	x		x			
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