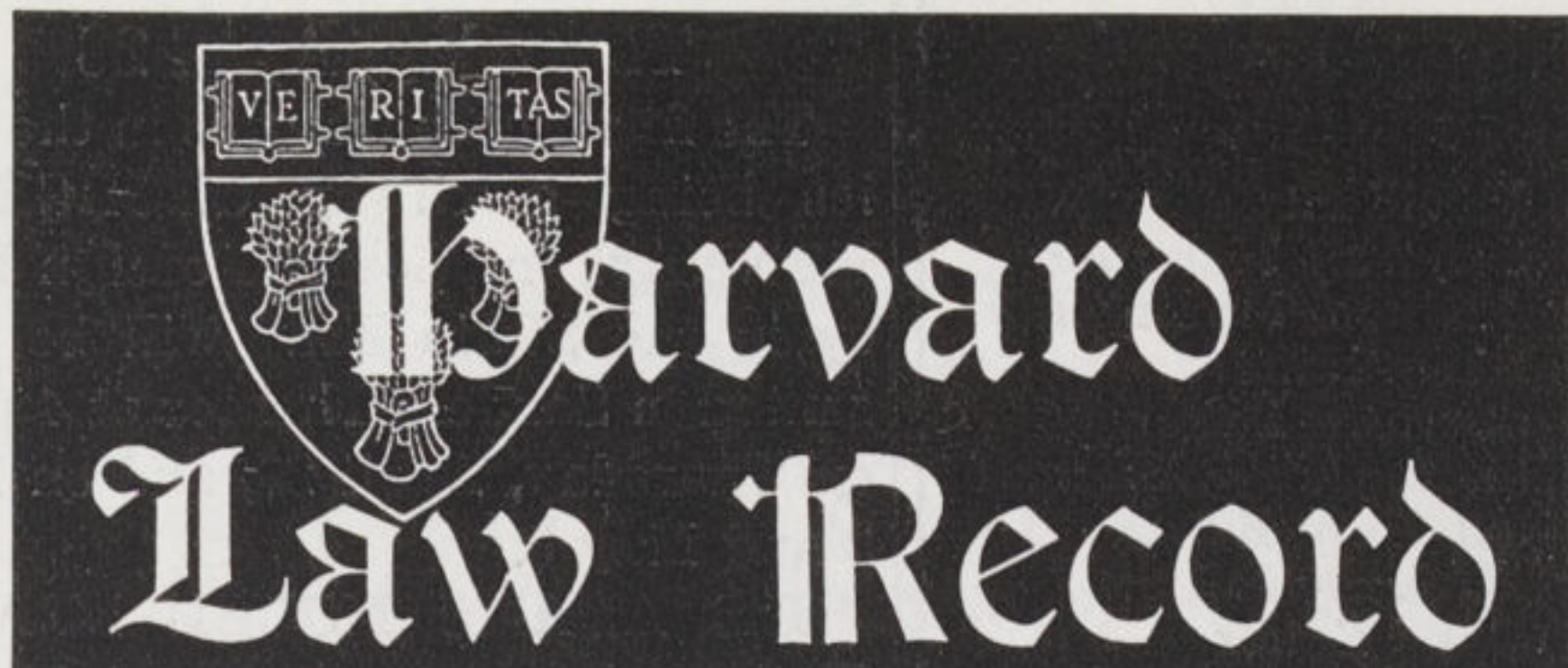




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Reuther, Golden on Forums

Tomorrow, in two separate programs, the Law School Forum will present Walter Reuther, president of the United Automobile, Aircraft and Agricultural Implement Workers, and Harry Golden, author of the best sellers, *Only in America* and *For 2c Plain*, and well-known editor of *The Carolina Israelite*.

Reuther will speak tomorrow afternoon at 3 p. m. in Sanders Theater, while Golden will appear before a separate evening meeting at 8 p. m. in the Main Auditorium of Rindge Tech (Broadway and Irving Streets).

Walter Reuther, long recognized as the outspoken champion of labor in the automotive industry, served from 1939 to 1948 as director of the General Motors Department of the United Auto Workers. As such, he was in the forefront of the U. A. W.'s headline-making dispute with that business power. In 1940, he advanced the so-called "Reuther Plan" for converting the auto industry to mass military production. Becoming president of the United Auto Workers in 1946, he subsequently succeeded the late Philip Murray as head of the C. I. O., holding the post from 1952 to 1954. In 1955, Reuther played a leading role in the negotiations between the C. I. O. and the A. F. L. which culminated in the merger of those two bodies.

Warm and Witty

Harry Golden — warm, witty and philosophical — has become an institutional figure to those who are familiar with his work. His followers have grown particularly since the publishing of his best selling *Only In America*, and its sequel, *For 2c Plain*.

As a result of these latest successes, the circulation of his monthly publication, *The*

Carolina Israelite, has increased better than four-fold. The *Israelite's* format remains the same, however. As he himself says, "When I feel like writing, I write. I put it in a barrel, and when time comes to put out *The Israelite*, I reach in the barrel."

From the pen of Golden has come such diverse topics as, "It Was Better When Papa



Harry Golden

Was the Boss," "Cato's Hangover Cure (raw cabbage leaves)," and "A Plan to Solve the Problems of the White Citizens' Council." Outspoken on the regional problems of his adopted Southland, and on life in America in general, Mr. Golden is as well-known for his speaking talents as he is for his writings.

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Hearsay

When a journalist writes *30*, it means *the end*. This week we write *30* on Volume 30 of the RECORD.

The editors have known for some time that Volume 30 might be the last volume of the RECORD, because the fixed cost of each issue is so high that, without our thousands of alumni readers, the RECORD could not publish. On Thanksgiving Day, we learned that, for the second time in four years, the Harvard Law School Association was threatening to cut off our alumni readers.

The Association's committee that investigated the RECORD concluded that alumni, student, and faculty interest in the RECORD is too strong for a recommendation of abolition to be accepted by members of the Harvard Law School community; it thus abandoned talk about elimination of the RECORD. Instead of abolition, the committee is currently talking in terms of continuation, but on a considerably reduced scale. Whether or not a reduction in RECORD operations will be approved by the Harvard Law School Association depends upon the action taken by its governing body at a meeting this Saturday.

A substantial reduction may mean that Volume 30 marks the end of the RECORD's leadership in law school journalism. Whether or not the RECORD is to continue to merit the *American Bar Association Journal's* praise as "America's best law school newspaper," will be decided Saturday by a group of alumni. We naturally hope that they will not use our volume number 30 in its journalistic sense, meaning *the end*.

CALENDAR

Thursday, April 28

The final three lectures in the series being given by GEORGE F. KENNAN on "Soviet Foreign Policy in the Stalin Era" will be presented in Sanders Theater at 4 p.m., on Thursday, April 28, and on May 3 and May 5.

The ADAMS HOUSE DRAMA SOCIETY will present Shakespeare's "Othello" in Adams House, on April 28, 29 and 30 and May 1.

The HARVARD GILBERT AND SULLIVAN PLAYERS will present "The Gondoliers" in Agassiz Theater, on April 28, 29 and 30, and May 5, 6, and 7.

Friday, April 29

The LAW SCHOOL FORUM will present Walter P. Reuther, president of the United Auto Workers and a vice-president of the AFL-CIO, at 3 p.m. in Sanders Theater.

The LAW SCHOOL FORUM will present Harry Golden, author of *Only in America* and *For 2¢ Plain*, at 8 p.m. in Ringe Tech Auditorium, Broadway and Irving Streets.

The INTERNATIONAL LAW CLUB will meet at 4 p.m. in the Wheeler Room, Holmes Hall. Dr. Wilfried A. Hofmann will speak on "Legal Aspects of the So-Called German Miracle."

The HARVARD GLEE CLUB and the RADCLIFFE CHORAL SOCIETY will present their annual spring concert at 8:30 p.m., in Sanders Theater.

Saturday, April 30

The HONORABLE FELIX FRANKFURTER will speak informally to students in the James Barr Ames Courtroom, Austin Hall, at 4 p.m.

Sunday, May 1

The FORD HALL FORUM will present the Honorable Ben C. Limb, ambassador from Korea to the United Nations, speaking on "Can Democracy Win in Asia — and the Meaning of Coexistence," at 8 p.m. in Jordan Hall.

Monday, May 2

The INTERNATIONAL LAW CLUB will meet at 4 p.m. in the

(Continued on page 15)

International Moot Court

Cuba v. United States

On Tuesday evening, May 3, 1960, the International Court of Justice will move temporarily from the Peace Palace at the Hague to the James Barr Ames Courtroom in the State of Ames to hear oral argument regarding a moot international dispute between the Government of the United States of America and that of the Republic of Cuba.

Pursuant to the *compromis* between the States, a specially-constituted tribunal composed of President Milton Katz, Judge Stephen M. Schwebel, and Judge Roger D. Fisher will decide whether the Cuban Agrarian Reform Law of May 17, 1959, as applied to certain United States nationals owning land in Cuba, gives rise to a breach of international obligations by the Government of the Republic, and, if so, what reparation should be made for such a breach.

The stipulated facts before the court recount the tribulations of Mr. Jonathan Simmons, a United States citizen and owner of a 19,000-acre cattle ranch in the Organos Mountains of Piñar del Rio Province. By the terms of the Agrarian Reform Law, Mr. Simmons would be allowed to keep only 3,333 acres of his ranch, but would be compensated for the excess which would be expropriated by the Government of the Republic.

Mr. Simmons duly registered his land with the National Agrarian Reform Institute, and on October 10, 1959 he was visited by a unit of *barbudos*, who informed him that they were taking over the land in the name of the Institute and would prefer him to move out of his home, which was to be used as a headquarters.

Since that time Mr. Simmons has not been told of any arrangements for compensation or return of the permissible quota of landholdings, although he has constantly been assured that these matters will be taken care of equitably. He has been able to get no relief from the special Cuban Land Courts, since they have suspended operations pending "the issuance of governing policy by the Council of Ministers," and so he has applied to the United States Department of State for diplomatic protection. The Governments of Cuba and the United States, being at variance as to the lawfulness of these actions under

international law, have agreed to submit their dispute to the International Court of Justice.

Counsel for the Republic of Cuba are Bernard H. Clark, grad., of Auckland, New Zealand, and Ivan L. Head, grad., of Calgary, Alberta, Canada. Representing the United States are Tom J. Farer, 2L, of Manchester, N. H., and William D. Zabel, 2L, of Sioux Falls, S. D.

The moot court is being sponsored and administered by the Harvard International Law Club Committee on Moot Courts, Ronald D. Levin, 2L, of Jeanette, Pa., Chairman. The Committee is also planning a similar interschool argument for next fall.

— Baron

Trial Techniques

Judge Sidney Squire of the New York Court of Claims discussed litigation techniques before the Student Bar Association last Thursday. Sprinkling his talk with Stevenson-like anecdotes, the Judge described various behind-the-scenes relationships between lawyer, judge, and juror.

Judge Squire stressed that the most important asset of a trial lawyer is the ability to convince the court of his professional integrity. When the trial court is unsure about a particular point of law, psychological factors may influence the court to rely on the counsel of undoubted integrity.

On the other hand, if counsel is in doubt about a point of law and lacks necessary information, he should ask for an adjournment. If counsel attempts to fake his way through the trial, he may well be embarrassed by the judge saying, "let's look this citation up."

Lawyers Themselves

Most trial judges are former trial lawyers themselves. They are not only familiar with the tactics of counsel, but are sympathetic with his problems. Hence, while the judge may abruptly cut off counsel in a trial without a jury, the same judge may allow counsel to plead at length when both client and jury are present.

Judge Squire warned against being taken

in by the smiles of people on the jury. This is no reason for a lawyer to relax. Those on the jury who smile most, the Judge asserted, are those who have probably decided to vote the other way.

A suggestion for any young trial man is to keep his eye on the clock. Most cases, said the Judge, are decided by the time of the first recess, because a juror who has committed himself to his fellow jurors is unlikely to change his views.

Going beyond the immediate trial scene, Judge Squire noted that not all of the interplay is between counsel, jury, and judge. A trial court is cognizant of the fact that its decisions may be appealed. Hence, the trial judge is interested in getting facts, rather than oratory, so that a clear record is available on appeal.

— Newman

Mrs. Griswold Describes Travel Despite Disability

Mrs. Erwin N. Griswold, wife of the Dean, spoke to the Harvard Law Wives last week on her experiences and travels since her marriage in 1932.

While she and her husband were in Washington, D. C., where Dean Griswold was working just after they were married, they were invited to parties at the homes of Justice Holmes and Justice Brandeis. At the home of Justice Brandeis, one interesting aspect of the parties was that they ended at 10 p. m. *sharp*, due to the early rising of the Justice. This meant that leaving before or after 10 p. m. was a social error, whereby one would probably not be invited to return.

Mrs. Griswold described how polio struck her in 1939, paralyzing her from the waist down while she was traveling from her parent's home, in San Francisco, to Boston, where she and Dean Griswold were living. While in a hospital in Cleveland, and later in Brigham Young Hospital in Boston, she said the most important thing visitors could give her was not gifts or flowers, but to give friendship, news and themselves.

During her 20 months in the hospital, she taught herself and others to "be busy and get yourself off your hands." She did this by learning to type and, later, writing articles for magazines.

On returning home she found she had to have command of herself before she could command her home, which contained her two small children. It was not until she had complete command of her home that she felt she could enter the outside world.

Since then, Mrs. Griswold has traveled extensively in spite of her disability, including a trip to England in 1957 and a trip to Australia and New Zealand in 1959.

— Mrs. Robert Ketchum

Williston Winners

The results of four of the Williston second year team competitions have been received from the judges.

For problem W-1 in the Pennsylvania jurisdiction, the winners are Frederick Greenman, Jr., New York, N. Y.; Noel Field, Jr., Providence, R. I.; Harold Starr, Philadelphia, Pa.; and Robert Jelley, Orange, N. J.

For problem W-3 in the New York jurisdiction, the winners are Howard Karasik, Malden, Mass.; Gerald Kadish, Brooklyn, N. Y.; Stuart Pachman, Elizabeth, N. J.; and Elia Germani, Cranston, R. I.

For problem W-6 in the Delaware jurisdiction, the winners are David Hampton, Dallas, Tex.; Carl Sterzing, Jr., Austin, Tex.; J. J. Woodey, Lutherville, Md.; and Wilford Wisner, Indianapolis, Ind.

For problem W-14 in the Illinois jurisdiction, the winners are Harold Richman, St. Petersburg Beach, Fla.; Robert Armstrong, Springfield, Mass.; Jay Feldman, Brooklyn, N. Y.; and David Saltzman, New Haven, Conn.

Peace on Exhibit

The title of a book by Grenville Clark and Professor Louis B. Sohn is the keynote of an exhibit in the International Legal Studies reading room. The display, "World Peace Through World Law," traces the development of plans for a world organization from the 14th century to the United Nations.

It was prepared in connection with C.B.S.'s radio program "Invitation to Learning," where, in cooperation with the Carnegie Endowment for International Peace, a special series of books on war and peace will be discussed over a period of the next several weeks.

Record Elects New Board — Russell A. Winslow, President

The Harvard Law Record Corporation has elected a new Board of Directors for the fall term. Russell A. Winslow, 2L, West Newton, Massachusetts, will serve as Chairman of the Board and President of the RECORD.

Other officers and members of the Board include Charles G. Kadison, 2L, Somerville, Mass., Editorial Manager; Sydney S. Traum, 2L, Belle Harbor, N. Y., Business Manager; Morris J. Amitay, 2L, New York, N. Y., News Editor; Justin W. Heatter, 1L, Monessen, Pa., Features Editor; Neil I. Kilstein, 2L, Laurelton, N. Y., Advertising Manager; and Benjamin M. Gottlieb, 2L, Fall River, Mass., Photography Editor. The retiring President, Robert C. Berry, 2L, St. Joseph, Missouri, will remain on the Board as Executive Editor, and Charles H. Baron, 2L, Philadelphia, Pa., will remain on the Board as Contributing Editor.

The new President is a graduate of Wesleyan University and a member of Chancery Club.

International Protection Of Property

Asserting that "protection is a cardinal element of any system of free competition," Professor Remo Franceschelli of the University of Milan last week discussed "International Protection of Industrial Property Rights," using the particular problems faced by the six member nations of the European Economic Council as a background.

This subject, described in the introduction by Professor Benjamin Kaplan as "one of the most abstruse and complicated in the world — a legal *bouillabaisse*," was approached by Professor Franceschelli by first discussing the two most significant treaties in the area of international protection of copyrights, patents and trademarks.

In these treaties, adopted in 1883 and 1891, the treaty-makers sought to establish a minimum common denominator for agreement among the participating nations. However, it soon became clear that many differences existed in the practices of each country.

As an illustration of this, the speaker noted the divergent views on the necessity for pre-

liminary investigation before registration for a patent or copyright. "If you go to Italy and seek to register a patent for the wheel, they will probably grant you one," the professor declared. On the other hand, such loose procedure is in contradistinction to Germany's rigorous preliminary examination.

Common Market

Since the establishment of the Common Market, dedicated as it is to the abolition of customs barriers and other obstacles to trade, it has been inevitable that the problem of patent protection should again arise.

Although not directly dealing with the problem, the E.E.C. treaty does have provisions to the effect that nothing will influence the internal legislation of the six countries as far as industrial property law is concerned. But this has raised a major difficulty in attempting to reconcile this treaty, which seeks free movement, with those institutions aimed toward avoiding competition. It is true that states cannot introduce new restrictions, but this solves only part of the problem.

In his talk, Professor Franceschelli also focused his attention on the Euratom agreement, which directly affects existing patent law. While taking a posture for protection of existing rights, it is possible for the agency, in certain circumstances, to expropriate all uses of a patent for its own use.

Seeking Uniformity

In seeking a system of uniform legislation, Euratom is attempting to approximate the municipal legislation of its member states as much as possible. Indeed, the speaker commended the effort being made by the E. E. C. along these same lines, but warned that even limited progress would be a "difficult and long task."

In his advice to American businessmen operating within the E. E. C., the speaker noted that American participation in the Paris Convention of 1883, covering patents, eliminated the registration problem. But in the area of trademarks, the United States was not a party to the 1891 Madrid Union. In order for an American concern to protect its trademarks, it must establish a subsidiary in the foreign country and register the trademark in the subsidiary's name.

The best solution for American businessmen is to establish a center within the E. E. C.

— Amitay

Labor in the South

Industrialization and Unionism

"Labor unrest in the South," said Prof. Ray Marshall of Louisiana State University in a speech before the Southern Club last week, "has stemmed not so much from unionization as from the normal discord which accompanies growing industrialization in a new area."

Prof. Marshall noted that the South has a long history of union organization, some even pre-dating the Civil War. The first national union in the United States originated in the South. Its first president was from Louisville, its third from New Orleans. Many prominent labor leaders today are products of the South. Among them are Walter Reuther of the U.A.W. and President Mitchell of the Agriculture Workers of America. Also, the oldest continuous union in America is a carpenter's local in Galveston.

By 1928 the South was well organized as far as the crafts and trades were concerned. It was about then that serious attempts were made to organize the industrial workers. During that same year the Sixth World Congress of the Communist International met. Stalin decided that the main Communist effort in the U.S. would consist in a revolution among the Southern Negro workers. Birmingham was chosen as the center for Communist operations. There were many reasons why the Communist chose to work initially with the Southern laborers; they were the most impoverished people in America. But, of course, the program failed.

Reasons for Failure

According to Prof. Marshall, whose book on labor in the South is being published by the Harvard University Press, the Communist movement failed because they approached the colored people as if they were all of one class. Secondly, the Communists laughed at religion, and this at a time when the most prominent leaders of the colored people were preachers. Also contributing to the failure was the C.I.O., which came along to fill the vacuum.

Thus, by 1935, the Communists had reversed their policy. Instead of forming separate unions, they decided to infiltrate the ones which had already developed. Generally this proved unsuccessful, as they found them-

selves being swallowed up. However, in isolated areas, such as the Mine Smelters Union around Birmingham, the Communists gained control.

Perhaps the most intensive effort at union organization in the South was just after World War II, when both the A.F.L. and the C.I.O. launched Southern Campaigns. In 1946-1947, these unions had grown, overall, by a half million members. But the C.I.O. had trouble with "Operation Dixie." After five years of work, 11 million dollars of expense, and the combined efforts of 1000 organizers, the C.I.O. found its membership in the South less than when it started.

Lag in Development

Prof. Marshall thinks there are several reasons for this lack of great union development. Historically, unionization in the South has cost a lot of money, caused much bloodshed, and produced few results. The Southern worker, not of urban background like his counterpart in the North, lacks the psychological affinity to unionization. His ties are with the soil and the farm. Often he remains on the farm and drives to the factory in the town where he works.

Surprisingly enough, Prof. Marshall does not find that the race question has been a determinative factor in most Southern attitudes toward unionization. He concedes that in the borderline situations it is important, but adds that the Southern worker does not pay too much attention to his union's racial policies if the union does all right on the "bread and butter" issues of wages and employment conditions.

The two most important factors affecting union growth in the South, Marshall believes, are the emphasis on industrialization and an abundance of labor. In many parts of the South, industrialization has become almost a crusade. Anything interfering with this crusade is dealt with violently. This, coupled with the "hidden unemployment" of over a million people on Southern farms, has created a condition which makes the possibility of speedy unionization of the South an unlikely prospect.

— Baker

Commencement Plans

The events surrounding the graduation of third year students will take place on June 15 and 16.

On the 15th, there will be a luncheon for third year students, and members of their families, with the alumni at the Harkness Quadrangle.

On the 16th, members of the degree candidates' families, who are not alumni of Harvard, will require tickets for the commencement exercises. Degree candidates themselves do not require tickets, nor do alumni who are marching in the procession. That same day there will be a Commencement Luncheon on the lawn in front of Langdell Hall. All persons will require tickets, with the charge being \$1.00 per ticket. There will also be Alumni Association Exercises; persons who are not alumni will require tickets.

Application for all tickets should be made before May 6 at the receptionist's desk in Langdell Hall. No tickets will be mailed. They may be picked up at the receptionist's desk between Wednesday June 1, and noon on June 15.

Use of Trade Secrets In the Modern Day

Elmer Gorn, Chief Patent Counsel for Raytheon, addressed the Patent Law Club last week on the importance of trade secrets as valuable intellectual property. Despite the great mobility of engineers and despite their desire to publish, the increased complexity of industrial products extends the time interval between the initial public revelation of a trade secret and the time at which someone other than the originator is able, at much greater expense, to duplicate it. Thus trade secrets still flourish.

The popular prejudice against secrecy in a free society has not decreased the vigilance with which the courts continue to protect "proprietary data" in appropriate cases. When an employee through his employment gains access to secrets involving a product unique in the market, he has a fiduciary duty to his employer not to create competition where none before existed.

On the other hand, in a competitive industry, an employee is free to increase competi-

tion by using the general information, skill, and judgment acquired in his employment. Otherwise, the employee might find it impossible to get another job or practice his particular trade or profession.

Controversy

For many years, trade secrets have been the focal points of controversy between government contracting officers and industrial companies. Under pressure from Congress to obtain defense equipment at the lowest possible price, contracting officers, without offering compensation, have tried to extract technical proprietary information sufficient to allow a competitor to duplicate the first company's equipment.

A 1958 Armed Services Procurement Regulation purports to stand for the proposition that the government will solicit proprietary information only on a basis of need, and will negotiate for its fair compensation as a separate contract item. However, a restrictive definition of "proprietary data" and increased Congressional pressure make the regulation ineffectual.

Testimony before the Small Business Committee of the House indicates that such government procurement practice is especially destructive to small businesses, more so than their larger competitors.

— Drachman

Defenders Elect Officers

The Harvard Voluntary Defenders have elected officers for the coming academic year, choosing J. Joel Woodey, 2L, Lutherville, Maryland, as President.

Other officers are Dobie Langenkamp, 2L, Tulsa, Oklahoma, Vice-president of Operations, and Richard H. Morehead, 2L, Huntington, West Virginia, Vice-president of Research and Appeals. At the election meeting, the Defenders also announced the admission of a new member, Melvin B. Fliegel, 2L, Los Angeles, California.

Following the elections, outgoing President Francis X. Meany stated that, during the 1959-60 activities, over 500 individual defendants were interviewed, with case histories taken involving over 1200 charges. This marked a considerable increase over previous years.

Also increased were the appearances made by the third year members in the near-by

district courts. A rule of court, unique to Massachusetts, permitted student counsel to appear more than 50 times this year. Through this, members gained invaluable experience in cases ranging from murder to indecent exposure. The volume of post-conviction appeals cases undertaken by the Defenders likewise showed a marked rise.

Since the assumption of duties by the new officers, three Defenders have been elected to serve on the membership committee. They are Francis Brown, 2L, Montclair, New Jersey; Erik Lund, 2L, Augusta, Maine; and Walter Strine, 2L, of Media, Pennsylvania. President Woodey also announced the appointments of Howard Brinton, 2L, Wilmette, Illinois, and Herbert Newberg, 2L, Philadelphia, Pennsylvania, as chairmen for the standing committees of the organization.

Shortly after the start of classes next September, the competition will be held to select students from the class of 1962 for membership in the Defenders. Details will be available at an open meeting the first week of school.

Republican Strategy For 1960 Discussed

At the final luncheon meeting of the year, the Harvard Law-Graduate Young Republican Club heard Ralph H. Bonnell, Massachusetts's representative on the Republican National Committee, discuss various aspects of strategy for the 1960 campaign.

Mr. Bonnell said that the Republican Party in Massachusetts has polls taken by Opinion Research of Princeton, New Jersey. This firm knows precisely which areas to sample to get an accurate prediction of the outcome of an election. The method used is much more satisfactory than a straight popularity poll and is so accurate that it has not once produced an incorrect prediction in the last ten years, even in very close elections.

Noting that recent Gallup polls have shown Vice-President Nixon dropping back slightly from his winter peak, Mr. Bonnell indicated that he was not at all worried over this pre-convention phase of the polls. He expressed the belief that the Vice-President has deep-rooted support, as was evidenced during the 1956 primaries when Harold Stassen was attempting to have the Vice-President dropped from the Republican ticket.

Defense is expected to be among the leading issues. Mr. Bonnell deplored the injection of politics into the defense issue, criticizing the Democrats for falsely preaching over weakness in relation to the Russians. He pointed out that the missile development program had been badly neglected until the Eisenhower Administration took office. It was his prediction that the Democrats would come out second best on the defense issue.

Although he himself does not yet have a choice for the Vice-Presidential nomination, Mr. Bonnell mentioned five possible candidates: Ambassador Lodge, Governors Rockefeller and Hatfield, Congressman Halleck, and Secretary of Labor Mitchell. He emphasized, however, that there were numerous other well-qualified Republicans who might well be the nominee.

—Matia

Getting Married?

The Law Wives request that all first and second year students who plan to be married over the summer forward their summer and/or prospective Cambridge address to Mrs. Robert Smith, 59 Sacramento Street, Cambridge. This is to assure the invitation of all new wives to the annual buffet supper to be given in the fall.

Alumni Notes

LL. B. '49 — Lee S. Kreindler figured prominently in an article appearing in the February 6, 1960 issue of *Business Week* magazine, concerning problems arising out of aircrash cases, the area of his specialty. The February, 1960 issue of the *American Bar Association Journal*, in the column by Arthur John Keefe, discussed Mr. Kreindler's recent article in the New York Country Lawyers *Bar Bulletin*.

LL. B. '50 c.l. — Theodore L. Cross, Wilton, Connecticut, has been appointed General Counsel of the Sheraton Corporation of America.

LL. B. '52 — Charles L. Palms, of the Paulist Order will be ordained to the priesthood on Wednesday, May 11, 1960, by Francis Cardinal Spellman, Archbishop of New York, at 9 a.m. at the Church of St. Paul the Apostle, Columbus Avenue at 60th Street, New York City.

Gallery:

Deputy Director From Israel

Among the foreign tax officials currently enrolled as special students in the International Program in Taxation is Mr. Israel Gal-Edd, a native-born Londoner who is presently the Deputy Director of Internal Revenue of Israel.

Last September, Mr. Gal-Edd arrived in Cambridge on a fellowship sponsored by the International Cooperation Administration. He brought to the Program first-hand experience with the problems of Israel as an underdeveloped nation and an intense interest in international economics in general. When he returns to Israel in June, Mr. Gal-Edd feels that his experiences at Harvard will have provided him with an invaluable perspective towards the possible solutions to the domestic and international problems of Israel's 1960 economy.

Mr. Gal-Edd obtained a bachelor's degree in classics from London University in 1940 and spent the subsequent war years in the service, doing research on Britain's pioneering radar system. Upon his release from the Army, he joined the British Civil Service as a taxation administrator and began specialized graduate study in corporation law and business management at London University.

Move to Israel

His life-long connection with the Zionist movement in England led him to resign his position of Inspector of Taxes in 1949, in favor of a somewhat similar position in Israel. In 1954, he obtained his present position as Deputy Director of Internal Revenue and four years ago was appointed a representative to the State Revenue Commission, which is charged generally with development of Israel's position on the international market and in particular with the pressing problem of attraction of foreign investment capital.

Mr. Gal-Edd's membership on the Commission brought him into immediate contact with the two major European economic organizations — the Common Market, headquartered in Brussels, and the Administration of Tariffs and Trade, in Geneva. This year he has added to his experiences a number of meetings with U. S. government investment officials.

This extensive background has led Mr. Gal-Edd to single out two of Israel's currently critical economic problems — double taxation and foreign capital attraction. His views on the tax problem were highlighted at a recent meeting of the International Law Club, when



Mr. Gal-Edd

he pointed to the disadvantages to an underdeveloped country of the concessions which a "source state" has been forced to make to the "residence state" under typical treaties designed to eliminate double taxation of businesses whose international scope of operation places them under the tax jurisdiction of two states. A small, underdeveloped country is at an initial disadvantage merely by virtue of its inferior bargaining power vis-a-vis the large country, which is usually desirous of commercial expansion; moreover, this problem is intensified when, as is the case with Israel, foreign investment is deemed essential to proper economic growth.

However, several bilateral tax treaties negotiated between the U. S. and Israel, and presently before the Congress, contain terms quite satisfactory to Israel, primarily due to provisions giving her reasonably flexible

power to tax personal income of persons enveloped by the two tax jurisdictions.

These provisions appear to Mr. Gal-Edd as consistent with the United States policy of seeking solutions to international tax problems which do not mean a loss of revenue to the underdeveloped country.

He feels that Israel, while unquestionably "underdeveloped," has achieved a basic economic stability provided by now-established essential industry and does not fear, as do some underdeveloped countries, that foreign investment will mean foreign control. American capital he considers necessary for the development of medium industry, the political control of which would not jeopardize the established local foundation of her economy.

Basic to the prospects for a meaningful long range economic health is a system designed to attract American capital as individual equity investment rather than in the form of the more common government loan. For the present, Mr. Gal-Edd feels this system

should continue to feature a policy of liberal tax concessions to American investors.

Mr. Gal-Edd has been highly impressed with the various aspects of the United States which he has had occasion to examine. Perhaps some of his feelings can be explained by his observation that, like many foreigners, he understood the United States solely in terms of television, cars, movies, rock and roll, etc., and was therefore quite naturally surprised when he observed for himself the more attractive features of this country.

"A very significant deficiency of the United States," he commented, "lies in its foreign relations. A travelling American tourist, whether he realizes it or not, is a very closely observed diplomat. And somehow he fails to convey the impression that he comes from such a truly splendid country. The typical American manages to emphasize only the bad elements of what are basically very fine things."

— Sughrue

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News Squibs

BULL & BEAR

The high financiers of the Bull and Bear Club elected their new officers last week. The president is Frederic Cassidy, 2L, Madison, Wis.

The other officers include: Allen Smart, 2L, Winnetka, Ill., executive vice-president; Charles Kinnaird, 2L, Indianapolis, Ind., vice-president in charge of *Ticker Tape*; William Stratton, 2L, Englewood, N. J., vice-president in charge of the investment contest; Charles Hess, 2L, Collegeville, Pa., treasurer; Dyer Wadsworth, 1L, New York, N. Y., secretary; and Bevis Longstreth, 2L, Princeton, N. J., Paul Freeling, 1L, Chicago, Ill., and Keith Libbey, 1L, Grand Rapids, Minn., members-at-large.

DEVIL'S ISLAND

Last semester the Blackacre Co. failed in its bid to buy Ellis Island. Blackacre thereafter disbanded. But such failure has not daunted a new group of enterprisers who are out for another prize — to buy Devil's Island from the French government.

Operating as *La Cie. Fesse*, Mike Stone and Dan Cohen have entered a bid for this notorious spot. One of the partners, at least, has high hopes. He has already designated that any profits he makes from this venture will go toward building a resort for law students.

Failing to buy Devil's Island, the company still hopes that it might purchase the abandoned guillotine on the island, to display it prominently on the Commons at exam time.

SOUTHERN CLUB

The vestiges of the old Southland residing in the Harvard community have elected the following Southern Club officers for next year: Alfred L. Purrington, III, 2L, Raleigh, N. C., president; George S. Daly, 2L, Columbia, Miss., vice-president; and Michael H. Trotter, 1L, Atlanta, Georgia, secretary.

ON T. V.

David Dulles, 2L, McLean, Va., recently appeared on Ruth Hagy's "College News Conference," along with other students, to question Senator Hubert H. Humphrey, Democrat of Minnesota, on the 1960 campaign and other related topics.

U. S. ATTORNEY'S OFFICE

Two positions are open for full-time work this summer in the United States Attorney's office in Boston. The work will consist largely of legal research on pending cases, with efforts being made to permit the men to watch the development of their cases in court whenever possible. Contrary to original expectation, however, there are no federal funds available for compensation or expenses.

Present second year students who are interested in working as legal interns during the coming vacation period should secure application blanks from the office of Professor Livingston Hall. They should be filed with Professor Hall on or before May 14.

FAMILY LAW JOURNAL

The University of Louisville School of Law has undertaken to publish a *Journal of Family Law*, to be published twice yearly in the spring and fall. In this connection, Ralph S. Petrilli, Professor of Law at Louisville, and his associates are trying to locate unpublished projects or manuscripts, either in preparation or completed, and also any author who would be willing to write an article.

Contact should be made with Professor Petrilli at the University of Louisville, School of Law, Balknap Campus, Louisville 8, Kentucky.

LAW SCHOOL FORUM

The new officers of the Harvard Law School Forum are: Richard E. Smith, 2L, Worcester, Mass., President; Irwin Berg, 1L, Brooklyn, N. Y., Planning Vice-President; Ronald Russell, 2L, San Jose, Calif., Administrative Vice-President; Juan M. Garcia-Pasalacqua, 1L, San Juan, Puerto Rico, Secretary; and Stephen Robin, 1L, Washington, D. C., Treasurer.

Other new members elected to the Board of Directors were: Sergius Boikan, 2L; William Granik, 1L; Peter Griffith, 2L; and Josiah Murray, 2L.

ERRATUM

In last week's *Law Review* advertisement, the article on Civil Procedure should have read: *Developments — State Court Jurisdiction* (Vol. 73, No. 5), instead of *Supreme Court Jurisdiction*.

Book Review

By Alfred S. Julien

THE MEDICAL SOURCEBOOK, by Fred A. Mettler, M.D.: Little, Brown and Company (1959) \$25.00, 1000 pp.

Although this book is a gigantic undertaking, it only partially succeeds in meeting its objectives.

To its credit is the scholarly compilation of diagnostic and photographic material which makes it a one-volume atlas of descriptive human anatomy. The student or practicing lawyer will find this material of particular value as the photographic plates provide a clearly detailed, well indexed and annotated pictorial background for the determination of special medico-legal questions. There are close to 200 such plates with explanatory material, including some of the copies of the famous Netter medical drawings.

As a compiler of medical bibliography and source material, Dr. Mettler has done a prodigious amount of work and provided easily accessible reference material in varied fields such as nursing, public health and psychiatry. Every important surgical society and major periodical is indexed by name and

address, and the leading texts on surgery and trauma are similarly set forth with publishers' names and addresses.

Limited Success

Much of Dr. Mettler's monumental work is devoted to a discussion of the functions and disorders of the skeletal and nervous system, and the description of anatomy and various types of injuries. However, the author's quest for simplification of medical terms has met with limited success. The trial lawyer finds that this, at times, becomes a problem which even the most articulate cannot surmount.

For example, Dr. Mettler's description of the masticator nerve on page 366, "It is adherent to the medial side of the trigeminal ganglion. It joins the medial side of the mandibular nerve and enters the infratemporal region through the foramen ovale" does not represent a breakthrough in communication.

At times, there are passages which delight the layman with their lucidity, but again there are lapses into obscurantism such as, "The pretracheal fascia invests the gland as an outer sheath and blends with

the carotid sheath and surrounding connective tissue. The capsule of the thyroid gland is formed by tunica propria which is readily separable from the fascial sheath."

With respect to trauma and surgery, this new text will in many instances provide a beginning point for research in that it gives the prerequisite background and understanding for further exploration of the lawyer's medico-legal problem. However, it is not intended to, and will rarely, suffice as a complete investigation of a medical problem.

Disappointing

The abbreviated three-page discussion of the controversial issue on the relationship between cancer and trauma was disappointing in its brevity. Yet the author does say, "There is no doubt that trauma can cause cancer . . ." It may well be that the scantiness of the discussion of this subject is attributable to the paucity of bibliography. Recently, a noted cancer expert told the writer of this review that to his knowledge there is no study under way at present, either by individuals or organizations, on causation between trauma and cancer.

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UPTOWN — Solomon & Sheba - 12:55, 5:10, 9:30; Take a Giant Step - 11:05, 3:25, 7:40

TELEPIX — Aparajito - 11:30, 1:30, 3:30, 5:30, 7:30, 9:30

EXETER — The Would-Be Gentleman - 2:00, 3:50, 5:40, 7:30, 9:25

The volumes indexed do not assist in determining whether the causal connection between heart ailments and trauma, or diabetes and trauma is investigated. The effect of trauma on causation or aggravation of ulcers is not mentioned in the index. These are increasingly recurrent problems to the medical-legal practitioner, yet a medical sourcebook which asserts that it is "unswerving in its pursuit of completeness and covers every ramification of medical science," as the publisher says with respect to this volume, betrays its shortcomings in the obvious lack of detail on the effect of trauma on latent or preexistent illness.

Vulnerable

When the good doctor departs from his own professional field to enter the courtroom, his position becomes most vulnerable as he reveals his lack of insight and experience. He finds fault with lawyers, the courts, and even our democratic method of administering justice.

Occasionally, he takes doctors to task also. He says, "Most patients soon recover from the physical effects of personal injuries but many are permanently emotionally damaged as a result of the legal process."

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He keeps insisting that the normal litigant is less concerned with the financial aspect of his case "than the clear establishment of blame upon the perpetrator of the injury." To put it succinctly, Dr. Mettler has just never had any real contact with sufficient numbers of litigants to be able to form a considered judgment. Any tort lawyer with volume practice can acquaint him with the facts of life, that it is the *rare* litigant who is vindictive. The vindictive and litigious type of client whom Dr. Mettler describes does appear occasionally in a medical malpractice case, but doctors have a facility for developing rarities into loose generalizations.

The doctor seems to think that litigants are "coached by counsel in the production of spurious evidences of distress, rage, grief, and other histrionic embellishments for the delectation of the jury and bench who are likely to expect at least rage and frustration, for without

them something essential appears to be missing from the performance."

I don't know Dr. Mettler, but I fancy his courtroom experience was acquired from watching T.V. Trial men at the tort bar are the elite of the profession and their ethics are scrupulously supervised.

Notwithstanding my differences with the author, when he leaves the field of his expertise and challenges other areas where his knowledge is necessarily limited, I consider *The Medical Sourcebook* a valuable adjunct to the working lawyer's library. Dr. Harrison J. McLaughlin's recent volume on *Trauma* (W. B. Saunders Co., 1959) is superior in describing the connection between trauma and disability, but Dr. Mettler's book is more comprehensive in diagnoses, bibliography and appendices.

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Capital Punishment and Calvinism

If Gilbert & Sullivan can be believed, *The Mikado* has decreed that, in Japan, "flirting is capital." Anglo-American law, on the other hand, is silent on this issue; the most diligent research has failed to disclose that in any jurisdiction of the British Empire and Commonwealth or the United States the flirt is hailed into the criminal courts and charged with even so much as a misdemeanor.

But one would be quite wrong to conclude therefrom that Anglo-American law has historically been blind to similar serious lapses in moral behavior. Queen Victoria would unquestionably have said (and perhaps did say) that Anglo-Saxon moral standards were hard to surpass. When an Englishman is also a Calvinist, a degree of morality is achieved which exhausts the limitations of the language to describe.

If the reader hesitates to accept such a statement without adequate proof, he is referred to a document presently contained within the archives of the Treasure Room of Langdell Library. It is a broadside of the capital laws of the Massachusetts Bay Colony, enacted in 1641-1642, and published in London in 1643. Fifteen capital offenses are listed — some of which are capital today, some lesser crimes, and some not criminal at all. All fifteen are backed up by the appropriate Biblical citations, there being no more irrefutable Authority.

Thus, in Massachusetts Bay, judicial execution would result for the following offenses:

- 1) "If any man, after legal conviction, shall have or worship any other God but the Lord God . . . Deut. 13:6, etc., and 17:2, etc.,
- 2) Witchcraft. (Exod. 22:18, Lev. 20:27, Deut. 18:10,11 ["There shall not be found among you any one that maketh his son or his daughter to pass through the fire, or that useth divination, or an observer of times, or an enchanter, or a witch, or a charmer, or a consultant with familiar spirits, or a wizard, or a necromancer."].)
- 3) Blasphemy, if "direct, express, presumptuous, or high-handed."
- 4) Murder, if "neither in his own defense or (*sic*) by accident."
- 5) Flaying in passion.
- 6) Flaying through guile.
- 7) "If a man or woman shall lye with any beste or bruit creature." Furthermore, "the beste shall be slain and buried."
- 8) Homosexuality.
- 9) Adultery.
- 10) Intercourse with a girl under ten years of age, with or without her consent.

11) Rape of a married woman or one under contract to marry.

12) Rape of a single woman over ten years of age.

13) Kidnapping.

14) Bearing false witness with intent to deprive a man of his life.

15) Treason against the Commonwealth.

Importance Uncertain

It is not clear whether the Puritans ranked the crimes in the order of their importance, but if so, it is intriguing that they should place treason so far below flaying.

It would appear, in fact, that the Colony must have had an extraordinary number of malevolent citizens walking about looking for people to flay. Why else would the matter of flaying take up two of the fifteen capital laws? And one wonders whether there is any means of flaying other than "in passion" or "through guile." From the prospective flayee's point of view, one hopes not.

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Then too, it is fascinating to conjure up a picture of the present day Supreme Court trying to determine whether some poor wretch's words constituted blasphemy within the meaning of the Massachusetts Bay statute. How to define "direct, express, presumptuous, or high-handed," that is the problem.

Returning to the opening remarks of this article, it is curious that flirting was left untouched by Puritan legislation. Perhaps our admirable New England forebears were not so grim as they have been made out to be. Or perhaps they recognized an unenforceable law when they saw one. Or — just possibly — perhaps they secretly enjoyed a little discreet flirting themselves now and then. But only on Monday through Saturday, of course. It would never do to flirt in Massachusetts Bay Colony on the Lord's Day. — Stokes

To the Editor:

Your editorial, "Capital Punishment: The Anachronism," in your April 14, 1960 issue was aptly titled. Benjamin Nathan Cardozo called it exactly that when he said: "Capital punishment is an anachronism too discordant to be suffered, mocking with grim reproach all our clamorous professions of the sanctity of life."

Not only is capital punishment a moral outrage, but it is applied much too unequally to bear any relation to justice. . . .

Kenneth G. Weinberg,
LL. B. '48

To the Editor:

I am glad of your continued editorial attack on capital punishment.

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In regard to this issue, ours is a backward country. . . .

Both legislators and others, who are revolted by capital punishment, need to be encouraged to keep the matter alive by constantly voicing their views. . . .

Philip H. Bunker,
LL. B. '14

Calendar

(Calendar continued from page 2)
Wheeler Room, Holmes Hall. Assistant Professor Stephen M. Schwebel will speak on "Impressions of International Law Practice."

The NEW ENTERPRISES CLUB of the Business School will present Louis E. Wolfson, financier, at 3:45 p.m. in Baker Library.

Tuesday, May 3

The INTERNATIONAL LAW CLUB will hold its first annual International Moot Court at 8 p.m.

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FUTURE EVENTS

The LAW WIVES annual Spring Luncheon will be held on Saturday, May 7, at 1 p.m. in the Mount Vernon Room of the Commander Hotel. Tickets, if not already purchased, may be bought at the door.

Final examinations begin for the third year on Monday, May 16.

Final examinations begin for the first and second years on Tuesday, May 31.

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