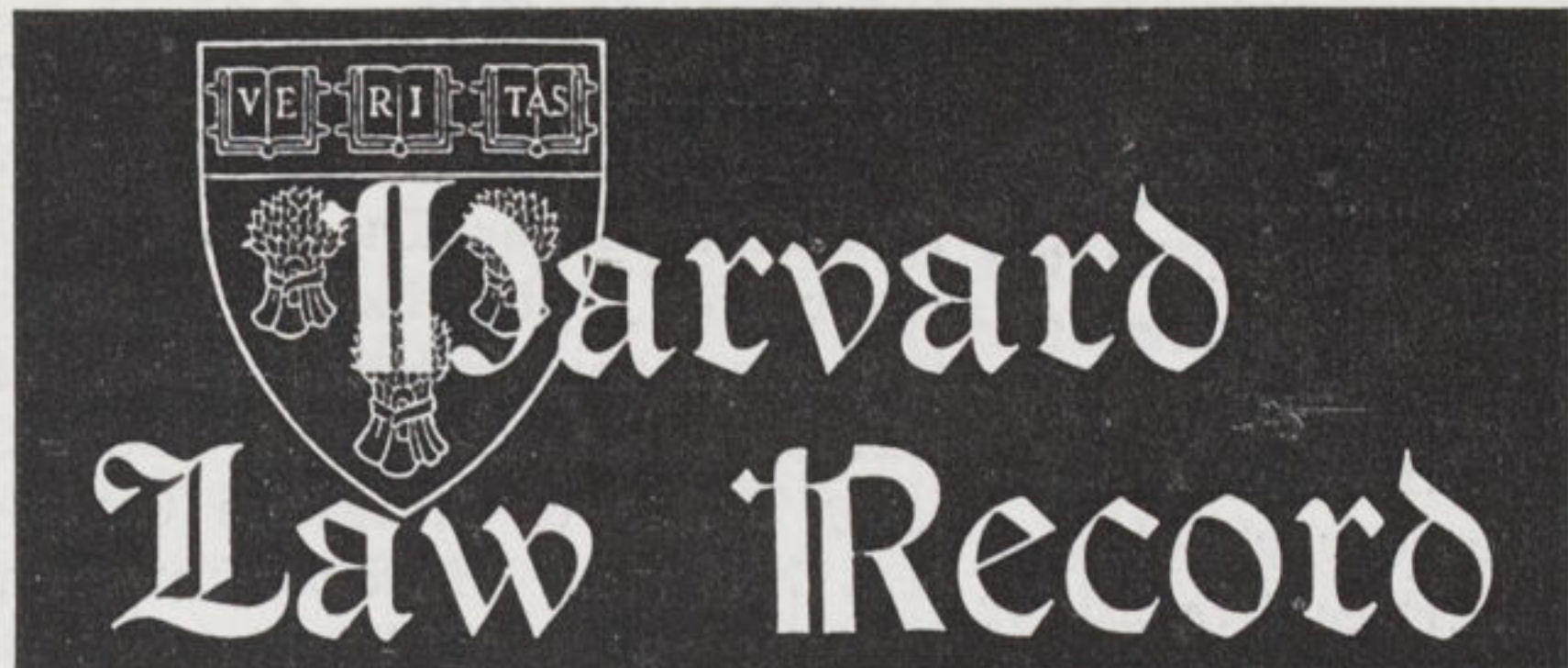




*"America's Oldest
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NO. 2

United States and World Economy

Mr. John Harriman will speak at the first meeting of the Bull and Bear Club tomorrow at 1:40 p.m. in Harkness Commons. His topic will be "The United States Competing in a World Economy."

Mr. Harriman writes a daily financial column for *The Boston Globe*, broadcasts an evening program of business commentary over WEEI and is the author of the recently published book, *It's Your Business*. The book deals with the many problems facing American business and labor as a result of the revitalization of the European and Japanese economies since World War II.

One of the first to call attention to America's changed position in the world economy, Mr. Harriman has made two recent and extensive trips to Europe to see at first hand the situation that he had predicted from his post in Boston.

Applications Accepted For Study Abroad

The deadline for applications for study abroad is fast approaching for the large number of interesting openings that exist. One month remains for applications under the Fulbright program, the Ford Foundation and several other similar programs. Law students are advised that many opportunities are available for travel and study in foreign countries, but that the deadline for applications is October 31 in most cases.

Probably the most obvious, and in some ways the most attractive, is the Fulbright program. For the academic year 1961-62, there are scholarships which include round-trip travel, tuition and a living allowance for

(Continued on Page 9)

Ironically, it was American aid under the Marshall Plan that enabled the war-ravaged economies to find the "seed capital" needed to build them up to a position from which they could successfully compete in the world market. A distressing fact for the American industry which must compete both at home and abroad with the products of these econo-



John Harriman

mies is that foreign technology and plant efficiency surpasses our own in some areas.

Lower wage rates abroad and the fact that the dollar is no longer the strongest currency add to the difficulties of the American businessman.

First year students are invited to this opening meeting; other students will be admitted if they have membership cards.

Harvard Law Record

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Hearsay

The Forum last month extended an invitation to Nikita Krushchev to speak in Cambridge while he was in the United States attending the United Nations sessions. The result of this offer was reported in last week's RECORD, where it was noted that Krushchev sent his regrets because the State Department limited his sojourns to Manhattan. For the Forum, however, this unfortunately has not ended the matter.

Since news of the Forum's invitation was released to the press, the Forum has received great criticism for extending the invitation in the first place. Such criticism has come from letters to the Forum, and also from letters-to-the-editor columns and editorial comment in certain of the Boston papers, notably the *Boston Daily Record*, September 19, 1960.

As to the *Daily Record's* comments, it need only be said that their criticisms, for whatever they are worth, might well have been made without the accompanying innuendos and allusions to Harvard's traditional color, crimson. If innuendos are made, they should at least be original.

Beyond this, though, the pertinent consideration as to whether the Forum, or any organization for that matter, should extend invitations to Mr. K. and his cohorts in a seeming mad scramble to have such figures appear before their group seems quite proper.

Arguments can be made, naturally enough, on both sides. On the one hand, are the people of a country, any country, expected and obligated to give one gigantic cold shoulder to a leader of another country that is at odds with their own? During these times, are all hopes of communication and understanding dead? Let us hope not.

But, conversely, concerning a man such as this, why give him a platform just to say the same old stuff time and time again? Let him stick to his own backyard and yell dirty words from there, so to speak.

In other words, resorting to the old trite truism, much can be said for both sides. Neither solution is particularly desirable. Neither inviting him nor snubbing him is really satisfactory.

Does not the problem, then, return to the organizations themselves. There seems to be a necessity for them to subject themselves to a self-scrutiny as to the purposes for which they are making the offer.

CALENDAR

Thursday, September 29

The DEMOCRATIC CLUB will present Mayor Thomas J. O'Connor of Springfield, Democratic nominee for United States Senator from Massachusetts, in the Meeting Room of Harkness Commons at 1:30 p. m. Mayor O'Connor will speak on "Civil Rights and Civil Liberties."

Friday, September 30

The BULL AND BEAR CLUB will present John Harriman, financial columnist of the *Boston Globe*, radio commentator on business and author of the recent book *It's Your Business*, in the Meeting Room of Harkness Commons at 1:40 p. m.

The LAW AND GRADUATE SCHOOL YOUNG REPUBLICAN CLUB will hold its Third Annual Dance and Mixer with Wellesley and Radcliffe in the Meeting Room of Harkness Commons at 8:30 p. m.

The HILLEL SOCIETIES of Harvard and Radcliffe will hold religious services observing Yom Kippur, the Day of Atonement, on September 30 and October 1 as follows:

Traditional Service at the Livingston Stebbins Auditorium, 3 Church Street,

Friday 6 p. m.

Saturday 10 a. m. and 3 p. m.

Liberal Service at the Unitarian Meeting House, 3 Church Street,

Friday 7:30 p. m.

Saturday 10 a. m. and 3 p. m.

Sunday, October 2

The HILLEL SOCIETIES of Harvard and Radcliffe will present Professor Hans Morgenthau, visiting professor of Government, speaking on "The Restoration and the National Purpose" in Phillips Brooks House at 4 p. m.

The FORD HALL FORUM will present Musa Amalemba, Kenya's first and only African Minister, speaking on "Africa's March Toward Independence" in Jordan Hall at 8 p. m.

Tuesday, October 4

The SAINT THOMAS MORE SOCIETY will hold a dance and mixer in the Meeting Room of Harkness Commons at 8:30 p. m.

Report to the President

Dean Cites Education Needs

Dean Erwin N. Griswold called for increased emphasis in the law school curriculum on the fields of criminal law, family law and individual human rights. In his annual report to President Nathan M. Pusey, Dean Griswold observed that both in domestic and international studies the fields of law affecting business and economics have been stressed with good reason, but "there are other areas of law and society, usually with smaller financial amounts at stake, which require constant thought and legal leadership."

Dean Griswold also called attention to the potential influence of the law teacher of today as he noted the rapid growth in the number of full-time law teachers — especially since World War II. He estimated that there are perhaps ten times as many law teachers in the United States today as there were at the turn of the century and suggested that the pattern set by the new law teachers "may be a matter of the first importance during the remaining years of the century."

Dean Griswold also warned against the hazards of "project research" in law as in other fields, and called for research funds "to encourage the inquiring minds of our individual Faculty members."

Business Oriented

Dean Griswold said, in part:

"It is natural enough that law and lawyers and law schools should be business or economically orientated. Problems of corporations, and insurance, of negotiable instruments, of securities and taxation, are important to our society and to all the people of the country. Moreover, they involve substantial sums of money and give the law teacher and the lawyer the feeling, rightly enough, that he is participating in important affairs.

"These fields will not let themselves be neglected, and they should not be, by the law schools. I have no desire to minimize the extent or importance of corporate or commercial practice, or to lessen the interests of the law schools in these business areas, or to slow down the contributions which may be made to them in legal thought.

"All I have in mind is a question of emphasis. There are other areas of law and society, usually with smaller financial amounts at

stake, which require constant thought and legal leadership. These are areas of personal and individual human rights and interests. These include the whole area of family law, with its many unresolved problems — marriage, separation, divorce, custody of children, adoption.

There is also the whole area of criminal law, with its many puzzling problems — deterrence or retribution, punishment or treatment, to mention only some. There are the problems of individual rights and liberties, enshrined in the Bill of Rights and our Constitution, but often shamefully ignored in actual practice — witness the third degree, and denial of voting rights, to mention only two important areas.



"Understandably enough, a high proportion of young lawyers thinking of entering law teaching are interested in the commercial, economic, and business areas of law. They are also interested in the general field of constitutional law, including administrative law, but this usually has a corporate or business flavor.

It is not easy to find persons of high ability who want to enter law teaching with primary interests in the fields of criminal law, family law, or individual rights; and persons who do enter law teaching with interests in those areas sometimes lose that interest as they go along. Other fields which are harder to staff

adequately in this country than they would be in England are jurisprudence and legal history. As for Roman Law, we have not had a teacher in that field for 20 years, to our great regret.

"Even in the international field, where our activities have broadened so extensively in recent years, the same tendency towards commercial areas is evident. . . . We do not have courses on the international protection of human rights. We have not yet sufficiently orientated ourselves when dealing with the laws of other countries to approach them in terms of helping the peoples of those countries rather than from the point of view of Americans who may want to be doing business there.

"For example, the basic problem today in Latin America is land reform. We are likely to think of that in terms of properties of American corporations being seized, and not paid for, and what we can do about it. Our contribution, both to the countries concerned and to American interests, might be much greater if we did more to understand the nature of the social and economic problems in these foreign countries, and undertook to work out plans, in cooperation with people from those countries, towards the improvement and amelioration of their land system, with appropriate regard to foreign interests, but without having that as the central role.

World Tax Series

"Our most successful research activity in the foreign field is the World Tax Series. Through this, we are trying to make more widely available throughout the world knowledge about the tax systems of many foreign countries. Related to this work is a study on 'Taxation of Agricultural Lands in Underdeveloped Economies.' Members of the Law School Faculty have also participated in surveys in Venezuela, Colombia, and Argentina. All of these have been designed to aid the foreign country.

"I do not mean to suggest at all that we have been unaware of people, of individuals, in other lands. It is all a question of emphasis, and, as I have indicated, the developments in the international field have been quite parallel with those in our handling of domestic law. I hope that in both areas we can shift our emphasis more and more towards problems which directly affect people rather than — though not to the exclusion of — those

that are essentially business or commercial in nature. Perhaps if we could develop work which is more humanely orientated, we would find that more new law teachers were interested in working on problems from that point of view."

Project Research

Regarding research, Dean Griswold said:

"In the years since the late war, 'project research' has become a matter of great importance in all large universities. Much of this is government sponsored. Much of it is very expensive. Much of it could not be done at all if the government was not interested in financing it. Through this, many scientists and others have been enabled to do work which they could never have done under other circumstances.

"Nevertheless, as is being more and more clearly recognized, this does present many problems. As there is an increased amount of 'project research,' there is less 'pure research.' Less and less are people in universities working on problems which they thought of themselves, and which they are working on simply because they are interested in them and find that their intellectual curiosity leads them to keep on probing. Yet, it is the latter type of research which is peculiarly the opportunity and responsibility of the university. And, in the long run, many of the wellsprings of human knowledge have been found in pure research, and these may, some day, dry up, if such research is given a distinctly secondary place. . . .

"It would be highly desirable if there might be available at this School substantial annual funds for the purposes of financing research under the control of the Faculty of the School, and without requiring application to or approval by any outside source. If such funds were available, we could get away from the difficulties of 'project research,' and we could do much more to encourage the inquiring minds of our individual Faculty members.

Some of the expenditures would not be fruitful, as is the case with all research. But out of the activities, many fine things would come, I am sure. It continues to be my hope that some foundation or foundations will see the possibilities in such general grants to law schools, leaving the selection and control of projects entirely to the law school faculties. Such grants would be, I am sure, extremely fruitful in the long run."

American Bar & Student Meetings

Marvin J. Garbis, 3L, author of this article, is shown at a luncheon held during the meeting of the A.L.S.A. in Washington, D. C. Mr. Garbis (standing) and other student representatives of law schools in the Boston area were guests of Senator Lev-
erett Saltonstall of Massachusetts, (at the far left). Senator Saltonstall is an alumnus of the Harvard Law School.



The American Law Student Association met recently in Washington, D. C., in conjunction with the annual meeting of the American Bar Association. Leaders of student bar associations in law schools from many parts of the country met to exchange ideas concerning their association problems and their services to law students. The group also considered and voted on resolutions which were intended to show law student attitudes toward issues of national importance.

Attending the national meeting as representatives of the Student Bar Association at the Harvard Law School were Robert L. Frome, 3L of Kew Gardens, N. Y., Harvard Student Bar Association President; James J. Goubeaux, 3L of Greenville, Ohio, delegate from Harvard Law School; and Marvin J. Garbis, 3L of Baltimore, Md., a National Vice-President of the American Law Student Association.

Connally Amendment

In a situation similar to that at the meeting of the American Bar Association, the subject of the major resolution was the Connally Amendment. The question of the repeal of that amendment has received much attention throughout the country and leaders in the

Administration in Washington, D. C. have noted that they favor its repeal but hesitate to move in that direction while representatives of the organized bar are on record in opposition to its repeal. In this background, the votes taken by the American Bar Association and the American Law Student Association were both significant.

The Connally Amendment is a reservation by the United States qualifying its acceptance of the jurisdiction of the World Court. Under the Amendment, the United States reserves the right to determine whether or not it will be subjected to the jurisdiction of the Court in any particular case concerning it.

Vote Repeal

Voting after a period of debate and after the presentation of a program on international law by Edward Nordlinger of Columbia Law School, the House of Delegates passed the resolution urging repeal of the Connally Amendment by a vote of 58 to 32. The count was taken by giving one vote to each law school represented. Some of those voting against the resolution (and therefore against repeal of the Amendment) stated that they were opposed to the passage of a political

resolution rather than to the content of the resolution.

At the same time, the House of Delegates of the American Bar Association voted upon the question of repeal of the Connally Amendment and urged repeal, but by the narrower margin of 114 to 107.

Students from the University of Chicago Law School presented another resolution of a highly controversial nature. They urged the Association to condemn the processing, in placement offices, of job requests with specific requirements as to race, religion or country of origin.

Debate and voting on this issue tended to divide along sectional lines. Most of those students who spoke against the resolution stated that they were in accord with the principle behind it, but they urged that the Association should not take a stand upon the question at the present time. A tie vote of 48 to 48 was recorded in the House of Delegates, and the tie-breaking ballot of the president was cast to defeat the resolution.

— Garbis

Loan Library Offers Book Rentals

The Law School Committee of Phillips Brooks House injected new life into its Student Loan Library this summer through the purchase of 420 new text and casebooks. Under the leadership of Richard B. Dyson, 2L of Salem Depot, N. H., the Library spent \$2,871.00 of funds which the Committee had saved from previous years or received by grant from Phillips Brooks House this summer to replace the outdated texts that they previously owned.

The books are available to any law students who are receiving scholarship aid, or who can demonstrate need although not receiving a scholarship. The charge for rental is fifty cents per book which makes the average charge per year \$3.50. This compares favorably with the forty to seventy dollars that a student usually needs to purchase the books for a year.

Almost all of the casebooks have now been distributed to students who came to the Committee's office in response to letters which were sent out by the Committee to eligible persons during the summer. However, Thomas F. Field, 3L of Cambridge, Chairman of

the Law School Committee, reports that there are over a hundred books left in the library for courses on Conflicts of Law, Evidence, Commercial Law, Constitutional Law, and Trusts.

These books will be distributed to any students who apply if there are not enough eligible students who come in for them. The Library will be open at 23 Everett St. for seven hours a day during the next three weeks.

Ames Competition Not Far Distant, Begins October 3

The activity around the Austin Hall offices of the Board of Student Advisers emphasizes the fact that the start of the fall series of the Ames Competition for members of the first year class is not far distant. The established law clubs have held their smokers, and the first year men who are starting their own clubs should now be forming.

Monday, October 3, is the deadline for final club lists for first year courts, and after that date the Board will be busy forming clubs for the men who have not already joined clubs themselves. Library tours will begin on the next day. These are being scheduled this year according to the membership in sections of Group Work, rather than according to law club membership as in former years.

The library tours are scheduled as follows: Groups 1 to 6 on Tuesday, 7 to 12 on Wednesday, 13 to 18 on Thursday, 19 to 24 on Friday, and 25 to 30 on Monday.

The Board has announced that there is still a need for club supervisors, and interested second and third year men should leave their names with the Board secretary in Austin Hall. Supervisors will not have to form clubs, since this is done for them by the Board. Duties are stated to be few, while the experience is reported to have been well worth the effort by men who have taken part in former years.

The final date for submission of club rosters for the opening round of the second year Ames Competition is Monday, October 3. On that day, rosters should be handed in whether they are completed or not. Second year men who want to argue but are unaffiliated will be assigned to one of the uncompleted clubs.

New Officers For Legal Aid

The Harvard Legal Aid Bureau announced the election of Ricardo A. Mestres, Jr, 3L of Belmont, Mass., as president. The special election was held to fill the vacancy caused by the resignation of the former president, Robert E. Jordan, who was invited to membership on the *Harvard Law Review*.

At the same time, Charles A. Goldstein, 3L of Perth Amboy, N. J., was elected Senior Director and David S. Baker, 3L of Jacksonville, Fla., was elected Junior Director I.

Other officers of the Legal Aid Bureau, elected at a previous time, are the following: Vice President, Arnold K. Mytelka, 3L of Jersey City, N. J.; Secretary, Michael E. Schoeman, 3L of New Rochelle, N. Y.; Treasurer, Joseph P. McGrath, 3L of Wilmington, Delaware; and Junior Director II, Sheldon L. Baskin, 3L of Highland Park, Ill.

Republicans Start Year's Activities

The Law and Graduate School Young Republican Club launched the new school year with a membership drive at registration which brought the number of members to a new high of 225. The Club President, Walter A. Baker, 3L of Columbia, Kentucky, has announced that the policy of past years will be continued and the program will be arranged to provide for a maximum of participation while keeping interference with member's study time to a minimum.

Activities began on Tuesday of this week when Senator Prescott Bush of Connecticut spoke to the Club. On October 7 Senator Leverett Saltonstall of Massachusetts will appear at a televised rally of Young Republicans from colleges and universities throughout Massachusetts after he speaks at the Forum. The Republican Club will hold a dance and mixer after the rally.

The Luncheon Series for the fall period will have as its theme the United States' foreign trade program and its political ramifications. Aspects to be covered include the competitive position of the United States in world markets and a comparison with government-controlled economies, the problem of gold outflow and the effect of foreign trade on the domestic economy.

Two of the speakers in this series will be Sinclair Weeks, former Secretary of Commerce under President Eisenhower, and Mr. Ralph Binney, a foreign trade expert. The club has also invited Congressman Walter Judd of Minnesota, the keynoter at the Republican National Convention, and Congressman Hastings Keith of Massachusetts. Other speakers and dates at which they will appear will be announced at a later time.

Club activities will also include an opportunity for students to spend some time working with local organizations in the coming campaign. Such work has provided experience in active campaigning in past years.

— Matia

Change of Address

The Law School Committee of Phillips Brooks House has announced that any student who has made a change in his local address or telephone number should hand in a written notice of that change to the receptionist in Langdell Hall not later than noon on Monday, October 3.

Alumni Notes

LL.B. '25 — Harold Horvitz, president of the Massachusetts Bar Association, has been elected to the board of directors of R.E.D.M., a New Jersey electronics corporation.

LL.B. '31 — Donald W. Webber was confirmed and sworn in for his second term as Associate Justice of the Maine Supreme Court.

LL.B. '51 — Bernard J. Meislin and LL.B. '52 *m.c.l.* — Bernard Bressler have joined in the formation of a law firm under name of Bressler & Meislin, at 120 Broadway, New York 5, New York.

LL.B. '53 — Herbert C. Klein has entered the general practice of law at 60 Park Place, Newark 2, New Jersey.

LL.B. '53 ('55) *c.l.* — John S. Sammond has become a partner in the firm of Brady, Tyrrell & Bruce, Third Floor Stephenson Building, 756 North Milwaukee Street, Milwaukee, Wisconsin.

LL.B. '53 — Sheldon N. Witt has become a member of the firm of Boyd, Holbrook & Alford, 60 Broadway, New York, New York.

MacLachlan Moves To Hastings

Professor James Angell MacLachlan, a member of the Harvard Law School faculty for 36 years and one of the country's foremost authorities on Bankruptcy Law, is teaching this year at the University of California's Hastings College of Law in San Francisco.

Professor MacLachlan, 69, retired from Harvard last June. During his teaching career at the Law School, he taught 18 different subjects. He was also renowned for his athletic accomplishments and was still a first string pitcher on the faculty softball team at the time of his retirement.

His colleagues at Hastings include the group of distinguished legal scholars known as the "65 Club." Most of its members joined the Hastings faculty, as he did, on retirement from other law schools. Many of them, notably Dean David E. Snodgrass, received their law degrees at Harvard.

Professor MacLachlan is the author of a 1956 text on Bankruptcy and, as a member of the National Bankruptcy Conference, formulated important changes now embodied in the Bankruptcy Act. He has also edited Casebooks on Federal Anti-Trust Laws and on Creditors' Rights.

Internationals Set Plans for Year

The first general meeting of the International Law Club for the fall term will be held in the third week in October. Professor Maxwell Cohen, Acting Dean of the Faculty of Law at McGill University and the Canadian Delegate to the Sixth Legal Commission of the United Nations will be the speaker. A business meeting will be held immediately after Professor Cohen's talk for the election of new members to the Executive Committee and for the consideration of changes in the Club's charter.

Four law students and three graduate law students will be elected, one of the latter to fill the position of Graduate Vice Chairman.

At an election at the end of last year the other positions on the Executive Committee were filled. Ronald D. Levin, 3L of Jeannette, Pa., was elected President for the coming term. Also elected to serve with him were Charles H. Baron, 3L of Philadelphia, Pa., Vice Chairman; Arthur W. Rovine, 3L of Philadelphia, Pa., Secretary; and Paul S. Brady, 3L of Johnstown, N. Y., Treasurer.

Introductory lectures and a discussion meeting have been scheduled in the weeks preceding the first general meeting. Professor Milton Katz and Professor Louis B. Sohn will join in giving an introductory lecture on October 6. Professor Katz will consider what is included in the subject of "International Law." Professor Sohn will speak on "The United Nations and World Order."

Professor Richard R. Baxter will give a lecture on legal bibliography in the International Law field on October 10, and Mr. Ernst Van Raalte will speak on the government of the Netherlands at a discussion meeting on October 13.

Democrats Feature Mayor O'Connor

Springfield Mayor Thomas J. O'Connor, Democratic nominee for U. S. Senator from Massachusetts, will address the initial meeting of the Law School Democratic Club in Harkness Commons at 1:30 p. m. this afternoon. Mayor O'Connor's subject will be "Civil Rights and Civil Liberties."

The Democratic nominee won his position on the ticket in the recent Massachusetts primary election, when he defeated Governor Foster Furcolo by a considerable margin. Governor Furcolo had received the nomination at the state convention early in the summer.

Mayor O'Connor will oppose Senator Leverett Saltonstall in November for the Senate seat now held by the latter.

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NEW SUNDAY SCHOOL BUILDING
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Applications Accepted For Study Abroad

(Continued from Page 1)

a single student, offered for one year of study at an institution of learning in 30 countries.

The available countries include the following: Brazil, China (Taiwan), Denmark, France, Germany, Greece, India, Japan, Netherlands, New Zealand, Philippines, Turkey, the United Arab Republic and the United Kingdom (including its colonial areas).

Language Required

For each of these countries where English is not the official language, the applicant is required to know the official language well enough to carry out his project of study. The closing date for applications is October 31. In the past, several Law School students have succeeded each year in getting one of these awards. The competition for the United Kingdom, however, is particularly difficult.

There are two programs for the United Kingdom alone: the Rhodes Scholarships and the Marshall Scholarships. Both of these involve a commitment for two years of study. The closing date for the former is about the middle of October. The Marshall Scholarships, somewhat less well-known than the Rhodes, are given by the British government in appreciation of the aid under the Marshall Plan. There are twenty-four of these for the entire country. The closing date for applications is October 31.

For those interested in Latin America, there are (in addition to the Fulbright opportunities already mentioned) awards under the Inter-American Cultural Convention for study in Brazil, Chile, Colombia and 14 other countries.

While these awards are roughly comparable to the Fulbrights, there are two differences. The applicant need not be affiliated with an educational institution, and the maintenance stipend is in some cases not quite sufficient and may have to be supplemented by private funds. The closing date for applications is October 31. From time to time graduates of the Law School have received awards under this program.

Ford Foundation

The Ford Foundation offers a limited number of fellowships for graduate training in the social sciences, including law, and the humanities, related to Asia, the Near East,

the Soviet Union, Eastern Europe and Africa. These are training fellowships intended to encourage the combination of foreign area training with training in a discipline. The closing date for applications is November 1. Competition for these awards is rather intense and awards are not ordinarily made for study abroad unless the applicant already has considerable background in the language and institutions of the country where he wishes to study.

The Rotary International offers approximately one hundred thirty Rotary Foundation Fellowships for Advanced Study in any subject in all countries where there are Rotary Clubs. Applications are made through the Rotary Club at the applicant's home. The closing date for applications is early November.

In a number of countries, primarily in Europe, the government or the institutions themselves offer awards for study at universities there. These awards are generally somewhat less attractive financially than those already described. As a rule, the stipends for maintenance are not so large and travel is not provided for. However, successful applicants sometimes are able to get a Fulbright Travel Grant to cover their travel to Europe and return. The closing date for applications is November 1. Applications may be filed simultaneously under these programs and under the Fulbright program or the Inter-American Cultural Convention.

Law Schools

New York University Law School and the University of Chicago Law School have recently announced a two-year program for study of foreign law, primarily the Civil Law System, and laws relating to international trade. These programs involve one year of study at either N. Y. U. or Chicago followed by a year of study at either a German or French University. Scholarships are available for outstanding students.

For those especially interested in international law, Cambridge University offers each year the Humanitarian Trust Studentship in International Law. The closing date for applications is January 1.

Further information concerning these opportunities is available from Mr. King in the International Legal Studies wing. Except for the Humanitarian Trust Studentship these opportunities are limited to U. S. citizens.

FEATURES SECTION

Growth in International Law Club

The recent growth in the interest and importance of international law has been reflected in the tremendous progress made in a comparatively short time by the International Law Club at the Harvard Law School. The Club started only a scant four years ago, when some twenty-five enthusiastic foreign and American law students began to meet together for discussion groups on topics in the international law field.

The membership of the International Law Club has doubled each year since its founding, and while its numbers have increased, the role of participating schools has also grown. Schools from which the members are now drawn include Fletcher School of Law and Diplomacy, the Harvard Graduate School of Arts and Sciences, the Harvard Business School, Littauer School of Public Administration, and the M. I. T. Graduate Schools.

The program and plans of the Club have increased even more steadily than the number of participants. Discussion groups now meet three or four times a month, concentrating at each meeting upon some topic or problem of international law, economics or comparative law. Broader questions are developed at evening meetings, held every month; at such times, an eminent authority on international law is usually presented.

Club Bulletin

An important role in the operations of the Club is played by the International Law Club Bulletin. This publication, still in its infancy, is the object of much planning. As one member of the Club has pointed out, a society, according to Edmund Burke, is a partnership between those who are living, those who are dead and those who are yet to be born. The Bulletin is the link that unites the members of the society which is the International Law Club.

Plans for the coming year include publication of three issues of the Bulletin, but this modest performance is hardly indicative of its supporters' expectations for future years. The list of readers has grown steadily and now each issue goes out to libraries, law firms, members of the bench and bar and interested friends all over the world. Present contribu-

tors to its pages include professors, graduate students and alumni.

Current interest and the large Club membership (now over 400) contribute to optimism on the part of those who plan to develop the Bulletin into the first student-edited International Law Review. It is hoped that "those who are yet to be born" will derive interest and encouragement from the pages of the projected Review.

Moot Court

For those argumentative members of the group who crave appellate court experience, the Club this year plans an International Moot Court Competition with students from another law school. The International Law Society at Columbia Law School has already indicated a willingness to participate. A moot court competition on a topic in international law is planned within the school, too, in the Spring. Robert E. Fast, 2L of LaBelle, Pa., is already at work on the case which will be argued, and the court will be deemed to be the International Court of Justice. All members with some experience in International Law who are not actively involved in the Ames Competition at the time are eligible to participate.

The exchange of experience, attitudes and knowledge among the members is an important part of the Club's activities. Meetings and other social occasions repeatedly bring students, graduate students (over half of whom are from foreign countries) and professors into contact with one another.

Small dinners before the evening meetings provide an opportunity for interested members to become better acquainted with the speakers and encourage informal conversation.

Members of the International Law Club are indeed proud of its achievements in the organization and the mutual sharing of ideas. They have stated that they expect the Club to go forward from its present position to build an organization widely known for its contribution to scholarship and understanding among people of varying nationalities.

— McAllister

Legal Education on Exhibit

The current exhibition in the Treasure Room of the Law Library is entitled "Legal Education." Due to continue until mid-November, the exhibit traces the historical development of methods of filling young, untrained minds with the materials that a learned member of the profession must have. In addition to being well documented, the exhibit continues to be representative of the superb work of Miss Edith G. Henderson who is in charge of the Treasure Room.

As usual, the collection of materials and the informative notes that accompany them are worth far more than the time needed to view them. Anyone having an interest in the historical aspects of the complex of the law will find writs, manuscripts, lectures, notes and other documents, some of which are in their original forms; those not having this historical bent will find a concise, adequate statement of the strands that were woven into our system of legal education as it now exists.

Cases Used

Beginning with some early cases that were used as a teaching device, the exhibit continues its survey down to a satire on the use of the case method as perfected by Christopher Columbus Langdell. Along the way, there are various innovations that have somehow been incorporated into our present system. The display is designed to show some of the high spots in the educational techniques used to train the profession.

Long before the Norman Conquest, the Common Law had been growing; yet formal legal education began only in 1250, even though professional lawyers have been known in England since 1200. From the middle of the 13th Century, students have been using cases and hypotheticals as learning devices. At first the *Casus Placitorum* (Cases of Pleas) were used; teachers would base their hypothetical situations on these actual cases. The system used to train these early law students was that of reading and following the progress of actual arguments.

First Recognition

In 1292, a writ was issued which represented the earliest official recognition of legal education. This writ demonstrated that a professional class of advocates was develop-

ing, that the training was in the courts rather than in the universities, and that at that time lawyers had a monopoly in their dealings with the court since they were appointed to posts to the exclusion of others.

During the 13th and 14th Centuries, London became more and more the center for legal activity, as it did for other activities. It was during that time that the famed Inns of Court were organized by those studying and practising law in London. At first, the Inns were nothing more than living and study units; but later these units were converted into the actual Inns of Court. The earliest records of the Inns are shown in the "Black Book of Lincoln's Inn" (1422) which is on display.

The Inns served both educational and social functions. As to their method of education, "mooting" was the cornerstone of the system. This consisted of arguments that were prepared and presented by lawyers for the students. The Inns controlled social life to such an extent that they exercised control over the conduct of their members. Thus is incorporated into the profession the standard of good character.

Future Requirements

A hint as to the future requirements of admission to the bar is gotten from a statute of 1402 which showed that the edict of 1292 was unsuccessful since there were "great numbers of attorneys, ignorant and not learned in the law." The statute provided for the judges to examine all lawyers, to record their names and to have them sworn to serve properly.

In the meantime, the Inns of Court proved to be very successful in their training methods. They were considered to be a fine place to learn all the qualities requisite for noblemen, although the expense kept the membership down. The Inns reached their golden age in the first half of the 16th Century. The key to the success of the system was the interplay between the students and the teachers; they lived together and had formal arguments and lectures or readings by experienced lawyers. The "readings" were expositions of statutes rather than discourses on case law. One of the most famous is that delivered by Sir Francis Bacon on the Statute of Uses at Gray's Inn in 1600.

Around 1604 the Inns began to run into their difficulties. Not all of the students were presenting their moots, the readers were complaining of their loss of practice and seeking reimbursement, and most important, a library was taking shape that could easily dispose of lectures and arguments. Towards the end of the 17th Century an observer noticed that the Inns left much to the student's own devices, so this observer proceeded to give a list of books which were proper for the student to use to educate himself.

Indeed, this man's observations were supported by a student's letter that is included in the display. The letter, dated 1745, indicates the acquisition of a legal education almost completely from his own reading. The surprising thing is that he found he could not be satisfied with the superficiality of knowledge which he felt he had acquired in this manner. Consequently, he dug into older sources for a better comprehension of his time.

The student's objections were set out more clearly in Blackstone's "Discourse on the Study of the Law." The occasion for this exposition was Blackstone's appointment as the first Vinerian Professor of English Law at Oxford, in 1758. His first course of lectures began on November 6, 1753; this was the first course on English law ever given at a university and the first change in legal education in centuries.

Not Professional

Blackstone's lectures were not on a professional level. They were designed to inform undergraduates of fundamental principles and leading rules as well as to give a basis for future detailed study. In 1765, his *Commentaries* began to be published. They were a stylistic exposition, arranged on the division of the law into logical sections. Even his sharpest critic, Bentham, remarked on the excellence of their style and organization, although he objected that Blackstone overlooked the reform that was necessary.

The importance of the *Commentaries* was carried over to this country when it was annotated in 1803

for American use by St. George Tucker, a professor at William and Mary. Up to that time, however, lawyers received their training through their own reading and practice. There had developed some formal clerkship requirements, but these varied widely. For example, the diary of John Adams shows that after two years in a law office he was still receiving basic advice on legal training. But in Virginia, study in an office was less frequent than it was in New England. Admission to the bar was usually obtained by a hearing before a board of examiners.

Finally, in 1779, the teaching of law at an American college was begun when William and Mary established a professorship of "Law and Politics," under the influence of Thomas Jefferson. This course was designed for undergraduates as was Blackstone's course at Oxford. It was in this course that John Marshall received his only formal training in the law, although he remained in the course only for six weeks.

First Separated

The first separate law school was established in Litchfield, Connecticut in 1784 by Tapping Reeve. Its method was that which is familiar to us today: there were lectures every day for an hour and a half which dealt with principles and rules; authorities were cited which had to be checked in the remainder of the day; approved reading had to be done; moot court was held; and an examination was held every Saturday in which the week's learning had to be applied. The notes of one of the students at the school in 1812-1813 are included in the exhibit.

In 1790, another type of legal teaching was undertaken when universities established professorships to teach students other than undergraduates. Pennsylvania hired Justice Wilson in 1790; James Kent went to lecture at Columbia in 1794. Both of these courses consisted only of lectures.

The *Columbian Centinel* of Boston carried an announcement, in its August 9, 1817 issue, of the founding of the Harvard Law School. Its

organization was similar to that of the school in Litchfield. Admissions requirements demanded only that the applicant be graduated from a college or be qualified by rule of court to become a law student and that he have a good moral character. Eighteen months' attendance was required. Under Asahel Stearns, the School's program consisted of recitations, written lectures, moot court, a debating club and written dissertations.

Justice Story

When Justice Joseph Story came to the School as Dane Professor in 1829, in response to an offer of \$10,000 from Nathan Dane, he shifted the emphasis of the School from its focus on Massachusetts' practice to that of satisfying the qualifications for all the states. Yet he left the curriculum as it had been and required attendance of only one year.

About 1870, there were many changes in legal education. In these changes, Dean Langdell played a leading part. Attendance was increased to two years, and examinations were added. No further requirements for admission were made until 1879 when an examination for those not graduated from a college was added; in the same year, the attendance requirement was raised to three years. Probably the force behind all these changes was the revision of standards for admission to the bar. Into that interplay between the force for higher standards and the service of the law school to the profession, Dean Langdell projected his innovation — the case method.

As in the use of other methods, it has become obvious that the case method is not the ultimate solution to the quest for the most satisfactory method of educating members of the legal profession. Indeed, a satire of the case method in "Unexpurgated Yallow Brief" is on display. Nevertheless, the case method is overwhelmingly used today. And, if the exhibit has served to demonstrate the historical perspective which led to that method, it has served its purpose; in meeting this task, the display is excellent.

— Heatter

For the Indigents

Voluntary Defenders Defend

Each afternoon two Harvard Law students visit local prisons to interview incarcerated defendants; one goes to East Cambridge, the House of Correction for Middlesex County, and the other one goes to Charles Street, the jail for Suffolk County. Generally a third man will be given a special assignment — a trip to Deer Island, an interview with an inmate at Massachusetts Mental Health Center or post-conviction research at Norfolk.

These students are members of the Harvard Voluntary Defenders, an organization unique among the law schools of the country. The thirty men of the Defenders comprise the only student group in the country which has as its sole purpose the rendering of aid to indigents accused of crime. An idea of the varied and intensely interesting job done by the Defenders can be had by sampling a typical twenty-four hour period.

The afternoon begins for the second year student as he leaves Gannett House with his collection of cards which list those persons who have requested aid and are in need of it; it is his afternoon to serve as jail counsel. When he reaches the prison, he enters a heavy gate and proceeds down a dim corridor until he reaches the steel plate door. There he must show his identification to the guard on the other side of the tiny window. With the guard's approval, the Defender is permitted to enter the prison. The metal door swings back, and he steps into the barn-like central hall of the Boston Charles Street Jail.

He passes to the lawyer's cubicle and awaits the arrival of his first client of the day, a man about

whom he has no more knowledge than appears on the card which he holds in his hand, a man whom he must aid in procuring a fair hearing. Soon the guards bring in the man; he is about forty years old, thin and nervous. He seats himself, anxious to relate what an "unfair shake" he has had.

But before the prisoner can begin his story, the Defender, who has learned how to acquire the information which he needs before he listens to the facts of the case as presented by the prisoner, takes him through a series of questions. The answers which he elicits are used to fill out a form for the Boston Voluntary Defenders Committee, the charitable corporation that supervises the work of the Harvard group and passes judgment on the financial condition of each client.

The Big Story

The characteristic prisoner attempts to tell the student how "it all happened," but the latter firmly continues with the routine queries that range from the prisoner's past record to details of his dependents. During this period the Defender is forming an idea of the veracity of the man, studying his character and providing a background against which he will be able to evaluate the man's own story of the crime which he is alleged to have committed.

Before he gets the story of the crime, the student must know the exact time and date of the arrest, whether the man has appeared in district court yet, and what testimony, if any, has been given. The prisoner tries to say that everyone who appeared in court was lying,

but the student knows that he must obtain a report of the witnesses' testimony, whether they told the truth or not, so that he can determine the strength of the case against his client. The procedure of criminal justice in Massachusetts usually makes it difficult for the Defender to know ahead of time what the facts are; unfortunately, the prisoner himself is the only source of information available at the time, and experience has shown that he may not be very objective.

Once he has drawn from the prisoner as clear a picture of the case for the Commonwealth as he can obtain, the Defender allows the prisoner to tell his story "the way it really happened." Perhaps he has been charged with incest with his minor daughter and rape of another girl. The student takes down the story checking names and dates with the accused, picking out contradictions and examining discrepancies which the prisoner glosses over. Each interview is new, each defendant is different; and every time he goes through the routine the student adds a little to his skill in seeking the relevant facts.

When he reaches the end of the interview, the Defender gives the accused advice as to his future conduct in court, how he should plead, his right to appeal and the possibility of representation in district court where the case has been continued, or in superior court, at which time an attorney from the

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Boston Committee will handle the case. The man may mumble his appreciation before being led out by the guard.

Consulting the cards which he has, the Defender asks the guard for the second defendant of the afternoon who has requested aid. This time it may be a young Negro who is being held for forging and uttering. The procedure is repeated. Once again the Defender asks the guard to bring in a prisoner, and once again the prisoner is brought into the cubicle. This time it is, perhaps, a female accused of prostitution and grand larceny.

As she leaves the lawyer's cubicle the student notices that he has time for one more client. The guard brings in a nineteen-year-old boy whose mother has called the Boston Voluntary Defenders Committee to ask for help. The boy is charged with malicious destruction of property and assault by means of a deadly weapon. He admits that he damaged furniture during a party in a boarding house and that he threatened the landlord with a piece of jagged mirror. Yet he seems to be sorry and wants to make restitution.

The boy has a job in a supermarket which he has had for three years and which is being held open for him if he is released. Moreover, he has been attending night school in an effort to complete his education. The Defender makes notes of all these points and reassures the boy as to his appearance before the court with such a record.

As the boy leaves the cubicle, the Defender gathers his notes and

leaves the jail on his way back to Gannett House. Once back at Gannett House he dictates his stories to the Defenders' secretary and talks with the other jail counsel for the day who has returned with cases of breaking and entering, possession of drugs and an assault with intent to kill. The officer in charge of the office for the day decides that the nineteen-year-old's case looks worthwhile and secures approval from the Boston office to take the case. The officer appoints a third year student to appear in court; the third year Defender receives advice from Boston as to the method of conducting the defense.

Since October of 1958, under a special rule of the Supreme Judicial Court of Massachusetts, third year students have been allowed to appear on behalf of indigent defendants in district court. The Voluntary Defenders group is thus unique in that it is the only student organization in the United States to enjoy such a privilege.

Early the next morning the third year student and the second year Defender who interviewed the boy arrive at the crowded chambers of the Boston Municipal Court. The third year counsel files an appearance slip with the clerk of criminal sessions. As the judge takes up the docket the Defenders wait in the hub-bub of courtroom activity.

At last the clerk reads off the boy's name and the charges; counsel steps forward. The arresting officer acts as prosecutor. His is a familiar face to the judge. The victim comes to the stand. Shortly the Defender has a chance to cross-

examine him. Witnesses are put on the stand. Each side rests. The Defender makes his brief summation to the court. The probation officer with whom the Defenders have spoken attests to the past record of the boy. The judge finds him guilty but files the assault charge; on the property count the judge announces a sentence of six months but suspends it and places the boy on probation for two years.

The boy is relieved and grateful. He could have been sent to prison for two and a half years but now he has a chance to prove that he can continue his excellent record which is marred only by that one slip. The Defenders leave with a feeling of accomplishment. They have participated in an invaluable learning experience. More than that, they know that at least one defendant who would not otherwise have had any counsel has been represented to the best of their ability. They have done their part to insure that the defendant had that right which is essential to our system of government — a full and fair trial, no matter whether the accused is rich or poor.

— Woodey

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Recent Books

By Robert C. Berry

PEN AND SWORD: The Life and Journals of Randal W. McGavock, edited by Herschel Gower and Jack Allen, McCowat-Mercer Press, Inc., Jackson, Tennessee, 1960.

Any man who keeps a daily record of his activities, which record survives the man by 100 years, is worthy of some notice, so long as the passages he transcribes are written clearly and without undue regard for his own importance or emotional sentiments. The journals of Randal McGavock mainly avoid these traps. For this reason, they should hold interest and appeal for those whose interests are directed toward the time and place in which the diarist lived.

Randal W. McGavock was a colonel in the Army of the Confederacy when he was killed in action at Raymond, Mississippi, in May, 1863. At the time of his death, he was 36 years old. Even so, his life, ended thus abruptly, could not be considered unique. It might well be compared with that of any one of several young gentlemen coming from the South of that time.

It must be noted, though, that such judgment should be placed in an 1860 context. Today, 1960, the same is not necessarily true, since the fact remains that much of him, and about him, has survived. This brings notice, if not uniqueness.

To Harvard

McGavock attended the University of Nashville, then proceeded to Cambridge, Massachusetts and the Harvard Law School. It was from

this period at Harvard that his first known journals were written. From Harvard, he returned home for awhile, then went abroad. Upon returning to Nashville once again, he remained to enter the city's life as a young gentleman with background and promise. His subsequent election as the mayor of Nashville no doubt marked him as an "up-and-coming" young man. Then came the Civil War, and with it, death.

So Randal McGavock's life was not so very unusual. However, he did take the time to record those events which consumed his life. It is these comments, existing as they do 100 years later, which bring his life into a focus of interest.

Pen and Sword, except for an introductory biography by the editors, is solely those observations recorded by Randal McGavock in roughly four periods of his life—his studies at the Harvard Law School (1848), his travels in Europe (1851), his experiences in his native Nashville and in politics (1852-1860), and his participation in the Civil War (1862).

Good Footnotes

These writings have been edited by Herschel Gower, Assistant Professor of English at Vanderbilt, and Jack Allen, Professor of History at George Peabody College. A meticulous and major contribution that the editors make are numerous footnotes, identifying and clarifying the persons and events mentioned by McGavock in his records.

There is also an introductory biography, mentioned previously, which fills the voids not covered in the journals and which provides a revealing background to McGavock and his ancestors. The biography, at times presenting unnecessary trivia in an apparent attempt to add color, yet succeeds in its basic objective of providing necessary information to structure the McGavock journals.

Substance of Book

It is the journals, of course, which are key to the substance of the book. The best of these are the day by day recitals.

A report of daily events may do many things. But, if nothing else, it will inevitably develop a gradual, yet accurate, picture of the writer. McGavock's journals do not disappoint in this regard.

Particularly while he was at Harvard does there emerge a definite character, defined by his attitude toward the politics of the day, his approach to his studies of the law,

Weekend

Entertainment

BRATTLE — Aparajito (Thru. Sat.); The Cousins (Starts Sunday) — 5:30, 7:30, 9:30. Mats. Sat. & Sun. 3:30.

UNIVERSITY — Psycho — 2:45, 5:55, 9:20; W. C. Fields Comedy Festival — 1:30, 4:45, 8:00.

BOSTON

ASTOR — Strangers When We Meet — Sat: 9:40 a.m., 11:40, 1:40 p.m., 3:40, 5:40, 7:40, 9:40; Sun: 1:00 p.m., 3:00, 5:00, 7:00, 9:00.

EXETER — School for Scoundrels — 2:00, 3:45, 5:40, 7:30, 9:25.

KENMORE — Song Without End — 1:00, 3:10, 5:20, 7:30, 9:45.

TELEPIX — Of Love And Dust — 11:30, 1:30, 3:30, 5:30, 7:30, 9:30.

UPTOWN — Bells Are Ringing — 1:10, 5:25, 9:40; Conspiracy of Hearts — 11:05, 3:20, 7:35.

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his opinions of professors and fellow students, his likes and dislikes. Since these largely evolve without a sense on the part of the writer that he is setting them forth for this purpose, they are all the more satisfying.

Portrait

In this connection, McGavock mentions the lectures he attends and his many readings in Blackstone, Cruise, and Kent. He is also found reading Shakespeare, Byron, and the "new and very popular novel *Jane Eyre*." The latter, as he explains, was not read so much for expected value as it was for a basis of future anticipated conversations. His approaches were candidly not intellectual, but more for satisfaction and an avoidance of ignorance. Many of his tastes were romantic, and his reactions were conventional.

From this, a portrait is slowly being painted, in detail, and with no conscious glossery — a self-portrait by the author, but conspicuously non-autobiographical.

Aside from McGavock as a person, there is also McGavock as a reporter for the present day, particularly for those persons who have a sense for history and a particular interest in either the Harvard Law School, 19th century Europe, or the Civil War.

Harvardites of course are particularly rewarded by his sections devoted to Cambridge and Boston. In daily detail, he records how his time was spent — reading the law, attending Moot Court arguments, debating before the Kent club, and branching into the diverse other activities, social and otherwise, that characterized a law student's regimen in that past but distinct period in the history of this Law School.

Civil War

Likewise should Civil War historians, historiographers and hysteries enjoy the offerings in this book. The journals gradually evince McGavock's attitudes toward the Conflict, beginning with his initial reactions to the abolitionists while he was at Harvard, progressing to the days in Nashville during the

1850's, and ending with the last year when he was in the struggle itself.

The book is not what reviewers would call "exhilarating, exciting, unable to be put down without reading from cover to cover." A daily record of detailed events does not "leap off the pages at the readers." That would have to be contrived, and there is no such forethought in these journals.

There is a quality, however, one which can stand on its own. As in

most good journals, the great virtue and sustaining value it has is the lack of attempt to give a big picture. It is simply a man's observations, written usually at the end of each day before undue reflection and slantings can intervene.

While this would have aroused little of note in the diarist's lifetime, such is not true 100 years later. A new and larger context now exists, and it is one in which Randal McGavock's recollections have a place, of value and worth.

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