

Outside Counsel Now Aid Defenders

The Harvard Voluntary Defenders have this week instituted a new system for supervision of the work of the individual defenders when they appear in a district court. While members of the Boston Voluntary Defenders Committee formerly served as supervisory authority for the Law School group, individual members of the Boston Bar will hereafter carry out such supervision on a monthly basis.

Mr. Samuel Wilkinson III, of the Boston firm of Grabill, Ley and Mason is the first lawyer to assume the responsibility under the new system.

Officers of the Defenders predict that the total number of appearances made under the new program will greatly exceed the fifty-three occasions on which qualified third-year

men last year represented indigents in low court trials or hearings.

The court activities come within the scope of Rule 11 of the Supreme Judicial Court passed in 1958. Under this rule, a senior law student with special approval may appear in any district court if the conduct of the case is supervised by a member of the bar or the student is employed by a voluntary defenders



Professor Hall

Annual Membership Meeting Of Record This Afternoon

The RECORD will hold its annual membership meeting this afternoon in the Chauncey E. Wheeler Room in Holmes Hall at 4 p. m. The meeting will serve to acquaint men and women of the first and second year classes with opportunities for membership on the RECORD staff.

A number of opportunities exist in most departments at the present time. Although students who are interested in learning the various aspects of a legal newspaper will be able to work in different departments such as news, features, production and advertising, staff members usually find that they can as-

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committee. The rule further provides that general supervision shall not be construed to require the personal attendance in court of the supervising attorney.

From 1958 until last spring the members of the Boston Voluntary Defenders Committee acted as supervisory authority for the Harvard Defenders. The Boston committee had served the area for twenty-five years,

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Harvard Law Record

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Hearsay

The announcement of the RECORD's meeting this afternoon for the purpose of talking to prospective members prompts a few remarks on the current role of non-classroom activities at the Law School. The lack of any regular writing experience during the greater part of the three years here — with the obvious exception of final examinations, the Ames Competition and the third year paper — was indicated in an editorial in these pages a year ago. (RECORD VOL. 29 No. 10) It is a fact of life which is practically taken for granted hereabout. Yet the opportunities for students to deal with this problem on their own are many and growing, as the activities of the past week illustrate.

Organizations have originated as a result of student initiative, at least since the founding of the *Law Review* in the last century. That this situation shows no sign of letting up is evident from the recent successful appearance of the Student Civil Liberties Research Service on the Law School scene. That such an organization should enter the community strong and alive is a tribute to its founders and, we do not doubt, to the proven value of the writing experience provided by activities such as the *Law Review*, Legislative Research Bureau and Williston Competition.

The Student Research Service has stated that all members will be provided with opportunity to do written work — and the organization is accepting new members on a non-scholastic basis. We have heard that New Jersey students here at school are preparing to organize a legislative research program of their own. It is an instance of the fact that students need not wait for a busy faculty which teaches large classes to call for written work in addition to exams.

If a student comes to the Law School inadequately prepared in writing techniques, he need not leave with the same inadequacy. The opportunities are here. One needs only to take advantage of them.

Anyone who says that we are merely "thumping the drum" is stating our position correctly. The RECORD has in the past and will continue in the future to encourage the pursuit of skill in the written expression of ideas.

CALENDAR

Thursday, October 20

Howard Mumford Jones will deliver another in the series of lectures on "Humane Traditions in America," in Room B, Allston Burr Lecture Hall, at 4:15 p.m. He will speak on "The Tradition of the Useful and the Good."

Elliot Richardson, United States Attorney for Massachusetts, will speak on "The Federal Role in Education: What Should It Be?", in Room 18, 2 Divinity Avenue, at 8 p.m.

A program of folk songs will be presented by Norwood Beveridge and Tom Rush in White Hall of Lesley College from 1:30-2:30 p.m.

The STUDENT CIVIL LIBERTIES RESEARCH SERVICE will hold an election meeting, in Langdell North, at 4 p.m.

The RECORD will hold a cocktail party for first and second year students who are interested in joining the RECORD, in the Chauncey E. Wheeler Room of Holmes Hall, at 4 p.m.

The STUDENT BAR ASSOCIATION will present a discussion of election and party issues in the James Barr Ames Courtroom, Austin Hall, at 8 p.m. Professors Chayes, Keeton, Braucher and Westfall will participate with Professor Leach acting as moderator.

Friday, October 21

Per Jacobsson, managing director and chairman of the board of executive directors of the International Monetary Fund, will speak on "Current Monetary Problems in World Perspective," in the Auditorium of Littauer Center, at 5 p.m.

The LAW SCHOOL FORUM will present Senator Leverett Saltonstall of Massachusetts speaking on "Reflections on the Cold War in the 60's," in Lowell Lecture Hall, at 8 p.m.

Sunday, October 23

The HILLEL SOCIETIES of Harvard and Radcliffe will present Professor Abram J. Chayes speaking on "The Meaning of 'The Initia-

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Before the Forum

Salty on the Sixties

United States Senator Leverett Saltonstall of Massachusetts will address the Harvard Law School Forum on "Reflections on the Cold War in the '60's," tomorrow evening at 8 p. m. in the Lowell Lecture Hall. The moderator for this forum will be Professor Milton Katz.

The Senator, who is this fall seeking re-election in the general election against the Democratic nominee, Thomas J. O'Connor, has served continuously in the Senate since 1945. Prior to that, he served as governor of the Commonwealth of Massachusetts for three terms between 1938 and 1945.



Senator Saltonstall

Leverett Saltonstall attended both Harvard College and the Law School, receiving his A.B. in 1914 and his LL.B. in 1917. Since then, he has served as a member of the Harvard Board of Overseers for a total of 18 years.

Public Life

After graduating from Harvard and serving in the First World War, Saltonstall entered the practice of law. However, he soon joined this with a career in public life, in 1920, and has held an elective office almost continuously since that date.

In the course of his career in the Senate, Saltonstall has been closely identified with

legislation concerning mutual security, national defense, veterans' affairs, the National Space Agency, the liberalization of immigration laws, anti-filibuster measures, and particularly with legislation for Massachusetts and the New England region.

Senator Saltonstall presently ranks fifth in seniority among Republicans in the Senate. Consequently, his present committee assignments in the Senate are the Armed Services Committee (ranking Republican), Appropriations, Small Business and Republican Policy. He is also Chairman of the Republican Conference and former Assistant Floor Leader.

Tough Fight

Usually able to succeed in his candidacies, except for being defeated in his race for Lieutenant Governor in 1936, Saltonstall is expected to face another tough struggle this November in the face of the overall popularity of the Kennedy-led Democratic party in Massachusetts. However, such opposition is nothing new to the Senator.

The unexpected happened in 1938 when Saltonstall successfully opposed the late James Curley in the gubernatorial race in Massachusetts, and also in 1940, when he won re-election to that post despite the tide for Franklin Roosevelt and the Democratic party. Saltonstall supporters are claiming that the same Saltonstall stature and fortune will again prevail this year.

Law School Ring Found Among Loot

Notice has been received in the offices of the RECORD that a Harvard Law School ring belonging to someone who attended the Law School during the first quarter of this century has been found in the midst of other loot taken from a burglar captured in St. Louis, Missouri.

The ring bears a date and the first name of the owner. It may be claimed by contacting Captain Joseph Crowe in the office of the Chief of Detectives of the St. Louis police force. Those interested are referred to the "Letters to the Editor" column in this issue.

Professor Casner Leaves On Speaking Tour

Professor A. James Casner leaves Cambridge next week for a round of speaking engagements in the Middle West and Texas. The trip of approximately one week's duration will take him to Cleveland, Ohio; St. Louis, Missouri and Austin, Texas.

On Tuesday, October 25, Professor Casner will speak to the Estate Planning Council of St. Louis, which is a group composed of lawyers, trust officers, Certified Public Accountants and insurance men. On the following day he will present a talk on current developments at the Law School before the Harvard Law School Association of St. Louis.

Professor Casner's next stop will be Austin, Texas. On Friday, October 28, he will speak on estate planning to the Tax Institute for Lawyers, a group affiliated with the University of Texas Law School. He plans to address the Harvard Law School Association in Austin the following day.

On October 31, Professor Casner will have the last two speaking engagements of the trip. He will participate in a forum on estate planning sponsored by the National City Bank of Cleveland. Those attending will be lawyers from Cleveland and vicinity. The same day he will deliver another talk on news from the Law School, this time before the Cleveland Harvard Law School Association.

— Griscom

Present Day Problems Of International Law

The International Law Club will present Professor Maxwell Cohen, Dean of the McGill University Faculty of Law and former delegate to the Sixth Legal Committee of the United Nations, at a general meeting to be held on Monday, October 24, at 8:15 p. m. in the Harkness Commons Meeting Room. Professor Cohen will speak on the topic of "Some Critical International Law Problems of Today."

An important business meeting will be held following Professor Cohen's talk. Seven members of the executive committee of the club will be elected. Four of the elected committee

members will be drawn from LL.B. candidates and three from graduate law students. Ronald D. Levin, 3L, from Jeannette, Pennsylvania, president of the club, has urged all members to attend.

Vital Role Of Patent Attorney

Mr. William Woodward, General Patent Attorney for Western Electric, addressed the Patent Law Club last week on the unique qualifications of the patent attorney and the role he plays as a vital link between management and the technological staff.

Unlike other legal specialists, the patent attorney must pass a qualifying examination before he is admitted to practice before the Patent Office in Washington. The exam covers both procedural and substantive peculiarities of patent practice and calls for a broad background in technology.

Non-lawyers may also take this examination and practice in the patent field. They are few in number in the United States, however, although quite numerous and highly regarded in other countries. They are required to call themselves "patent agents" rather than patent attorneys.

Although a patent attorney may specialize in only one of the many sub-specialties, the gamut of patent practice in industry includes the following: writing and prosecution of patent applications, determination of infringement liability and litigation and settlement of patent infringement claims against or on behalf of a company, the encouragement and direction of inventors, licensing, trademark and copyright law, and the protection of unpatented technical information.

In future meetings of the Patent Law Club such experts in the field as Donald Brown of Polaroid and Elmer Gorn of Raytheon will discuss "Do We Need a Patent System?", "What is a Patent?" and "Effective Exploitation of a Patent."

No technological background is necessary for an understanding of these lectures, and the club officers suggest that the general practitioner should gain some knowledge of the patent field — if only to be able to recognize those situations requiring the special skill of a patent attorney.

— Rosenberg

Specialist as a Broker's Broker

Mr. Bernard E. Smith, Jr., specialist on the New York Stock Exchange, explained the role of the specialist to the second meeting of the Bull and Bear Club last Friday in Harkness Commons. "The specialist is a broker's broker," said Smith, "and it's about that simple."

Mr. Smith went on to point out, however, that to the uninitiated it is really very complex and only becomes simple upon long familiarity with the field.

Legend has it that the specialist profession started around 1875 when a broker broke his leg. Since he could not get around the floor of the exchange, he asked the board of governors if he might place a chair on the floor and sit there, just to keep in touch. He happened to place it near the Western Union trading post, which was quite an active stock at the time, and before long he found himself taking buy and sell orders from his friends who were members and executing them in Western Union stock. This arrangement proved so convenient that it has been going on ever since.

Two Functions

Essentially the specialist serves two functions. He is an agent acting to execute orders placed with him by members of the exchange, and he is a dealer in the particular stocks in which he is a specialist.

The agency function operates when he receives an order to buy shares of a stock from one of his customers. He knows the single location on the floor where this stock is bought and sold, and he goes to that specialist. He leaves his buy order with the specialist with orders to execute it when the price is right. The specialist executes the order, then notifies the broker's office of the purchase. The specialist receives a commission from the broker for this service.

As a dealer in his stocks, the specialist serves two important functions. He provides the market in that stock with *liquidity* and *continuity*. To the extent that he can do this, he "makes" a good or bad market for that stock. It is on this basis that his performance as a specialist is judged by the board of governors.

The continuity function is provided by a

broker's receiving, for example, a 100 share buy order at 31. He finds that the only sell orders are at 32. The specialist might thereupon offer a price of 31½ from his own account.

Liquidity

According to Mr. Smith, the liquidity function is even more important. Suppose someone offers 6,000 shares of a particular stock for immediate sale, but there are only 600 buy orders outstanding from the public. These orders range down to 25. After a hurried consultation with his partners in the booth, the specialist may offer to buy the remaining 5,400 shares for his own account at 25. This he will do if he feels that the stock is worth that price and he has the available capital.

However, whenever there is a public offer outstanding, the specialist *must* execute it before he deals in his own holdings, or for his own account.

Approximately 85 per cent of the specialist's dealings are of this nature. More importantly, almost 30 per cent of the total volume on the New York Exchange is transacted by specialists.

Scrutiny

The specialist is interested in providing a good fluid market in his stocks, since every transaction that he performs is scrutinized by the board of governors. Only by contributing to liquidity can he become eligible for a new listing when one becomes available. This is the only way he can expand his business.

A specialist becomes a specialist by 1) buying a seat on the exchange, 2) getting the approval of the board of governors after displaying an expertise in the stock which he is seeking, and 3) demonstrating adequate financial backing. This backing may range from as low as \$50,000 to as much as \$11,000,000. The most common process in attaining this is for a member to be invited into a specialist firm. Occasionally, though, someone may set up as an independent, but this is rather like opening a store next to the A & P.

— Libbey

Political Institutions Of Netherlands Told to I.L.C.

Dr. Ernst van Raalte, of the University of Amsterdam, last week addressed a group of what he called "die-hard comparative constitutionalists" on the structure and working of the Netherlands' political institutions, with particular consideration for their relationship to the management of foreign policy. The occasion was the first discussion group meeting of the year sponsored by the International Law Club.

Since the people, through their representatives, are the fountainhead of political power, Dr. van Raalte began his talk with a sketch of the important characteristics of the Dutch Parliament. The parliament is bicameral and comprises a first chamber which is elected by the provincial assemblies and a second chamber consisting of 150 members elected directly by the people.

The speaker also outlined the procedural problems which arise in the process of enacting a bill into law, and he made some comparisons with the British and Belgian systems in this connection. The discussion of this subject ended with a consideration of the eight political parties, the majority of which are religiously affiliated. These are forced to rule through coalition, since none has the support of a majority of the people.

The speaker then considered the problem of the formation of a government and observed that it necessitated many compromises and could go on for many months. Interesting is the fact that the Netherlands, unlike Britain and Belgium, will not allow a person to be both a member of Parliament and an officer in the government.

Dr. van Raalte then summarized the complicated procedure required for amendment of the Constitution. With regard to foreign policy, Dr. van Raalte traced the evolution of the control of that subject by the parliament. The popular branch only began to gain control after the first World War, but it has gained power steadily since that time.

During a vivid discussion, Dr. van Raalte brought out the fact that in the Netherlands international law is considered to be superior to municipal law. "This recent Constitutional provision," said the speaker with a certain

pride, "appears very modern when compared to most other systems."

Dr. van Raalte has had a great deal of experience in Dutch parliamentary affairs, since he was for more than thirty years parliamentary reporter for the Dutch and Belgian newspapers. He is the author of numerous works on domestic and comparative constitutional subjects.

— Schrans

Civil Liberties Researchers To Elect Officers Today

The Student Civil Liberties Research Service of Harvard Law School will elect seven officers at 4 p. m. today in Langdell North.

All members and other students are invited. Those who have not been able to attend the organizational meetings but are interested in working are urged to sign up in the Service's new office at 23 Everett St.

This special meeting is a result of the unexpectedly large turnout at the first meeting and the debates over balloting and quorum provisions in the organization's constitution.

The membership adopted the constitution with a provision for amendment by majority vote at today's special meeting. A copy of the constitution may be examined at the office at 23 Everett Street.

The officers to be elected include a chairman, vice-chairman and five project co-ordinators. They will function as a steering committee to accept work projects and to delegate these to the members of the Research Service.

Seventy-five new members joined at last week's meeting. Hank di Suvero, 3L, temporary chairman, announced that Assistant Attorney General Gerald Berlin has requested the Service to keep his office posted on significant cases coming up on the docket of the Supreme Judicial Court. Mr. Berlin also requested assistance with respect to the practice of those New Hampshire hotels which send mail to Massachusetts residents containing inferences that they maintain discriminatory guest policies.

In spite of the large turnout, the Steering Committee has declared that projects will be available for all interested members. Work on these projects, however, will not begin until after today's election.

— Horton

Defense Counsel

Williams Suggests Specific Legal Reforms

The well-known Washington criminal lawyer Edward Bennett Williams spoke to a large audience at the Harvard Law School Forum last Friday night on "The Bar and the Challenge to Change." Speaking in the Lowell Lecture Hall in the company of a panel, who questioned him at the end of his prepared remarks, Mr. Williams outlined five areas of the law in which he thought that the legal profession should work for improvement.

The forum was moderated by Professor Richard H. Field, and the panel consisted of Mr. Samuel P. Sears, a prominent Boston trial lawyer, and Professor Roger Fisher.

Mr. Williams has gained a wide reputation through the defense of a number of famous clients; these have included Frank Costello, Dave Beck, Adam Clayton Powell and James Hoffa.

He suggested a number of specific reforms for the areas about which he spoke. Among these he included elimination of capital punishment and granting discovery of government information to criminal defendants and their counsel.

Calling the use of information by the government a "one-way street," Mr. Williams suggested that the defense be permitted to obtain discovery of some of the material available to the prosecution. Methods of discovery similar to those currently in use in civil cases are desirable. He said that the government contends this would only work against it since the defendant can plead the Fifth Amendment, but he took issue with this contention.

In regard to capital punishment, he stated that the bar should keep up with the times. In an historical survey he read the sentencing of Sir Walter Raleigh and listed the various methods of enforcing capital punishment.

"There are," he said, "two reasons for imposing punishment: rehabilitation and deterrence. There is no chance for the first when a man's life is taken. And penologists have as yet been unsuccessful in finding a man awaiting execution who would say that he had stopped to think of the penalty before he committed the crime." Even today the taking of life, although done with what seem to be more humane methods, is ineffective.

Mr. Williams also stated that the bar must find methods for alleviating the congested court dockets. In some metropolitan areas delay of a trial is as much as four years. One way of reducing that time, he said, is the use of the auditor system — as is done in Massachusetts. This may cut the time down to about eighteen months.

The fourth area in which members of the bar can see that something is done is in the correction of Congressional investigative abuses. Investigations must be used for their proper objectives in a proper manner. The legal profession must develop methods of protecting the rights of individuals before Congressional committees.

Supporting the retention of Canon 35, Mr. Williams advocated continuing the ban on television cameras in the courtroom. Although a trial is public, this is to guarantee that rights of the individual defendant are not infringed, not for the performance of a public spectacle.

In a plea to the future members of the bar who were in the audience, Mr. Williams said that the law can restore order to the world. "The greatest challenge to lawyers is the restoration of world order through world law. . . . Who better than the lawyers of the world are equipped to meet the challenge of destruction? Their historic role is that of the peacemaker."

Stating that he was not a world federalist, he emphasized the necessity for a world tribunal. "There are two ways to settle disputes: by violence and by submission to a third party for argument and decision." We may be able to preserve all humanity, he suggested, through the repeal of the Connally Amendment and the submission of disputes to the World Court.

During the question period that followed, Mr. Williams was asked how he could defend a man who was obviously guilty. He replied, "Obvious to whom?" The greatest audience reaction was evoked, however, when he was asked how we were doing in our battle against organized crime and answered, "Whom do you mean by 'we'?"

— Heatter

Aid for Defenders

(Continued from Page 1)

but in June of 1960 the office was forced to suspend operations because of lack of funds. The Massachusetts Constitution forbids the use of public funds to maintain private charities such as the Boston Voluntary Defenders. Therefore, on August 3, 1960 the legislature passed a special bill, Chapter 565 of the Acts of 1960, which established the Massachusetts Defenders Committee.

The new group draws heavily on the experience and personnel of the Boston Voluntary Defenders as well as having the services of the Harvard Voluntary Defenders in the interviewing of incarcerated indigents in the county jails. The new statute has met the emergency, but it has also created a problem in the handling of district court cases.

The new law states that counsel will be provided by the Massachusetts Defenders Committee wherever the rules of the Supreme Judicial Court require. Rule 10 is thereby invoked and specifies, in essence, that counsel shall be appointed in Superior Court in all cases in which an indigent is charged with a non-capital felony. Thus the Massachusetts Defenders Committee is not able to expend public funds in order to supervise the appearance of law students in district court felony trials or probable cause hearings, much less in misdemeanor trials.

Led by Hall

Led by Professor Livingston Hall, members of the faculty and local bar discussed possible solutions to the problem with the directors of the Boston Voluntary Defenders Committee. As a result, through contributions made by the Law School and other agencies to the Boston Committee, that group will retain an attorney each month whose prime function will be the advising and supervision of the 3L Defenders who appear in the district court.

On Friday, October 14, 1960, Professor Hall and the three officers of the Harvard Voluntary Defenders met with the attorney for the first month, Mr. Wilkinson, to inaugurate the program and work out details. Particular attention was given to the standards of indigency and the procedure by which Mr. Wilkinson will consider each case recommended

to him by the Defenders for possible student appearances in District Court.

The consensus of the participants is that the Harvard Voluntary Defenders, already a unique organization, will be able to expand further in its dual role of providing invaluable practical experience for law students while they are performing an important community service.

— Woodey

Openings Available On Yearbook

Openings are now available on the staff of the Yearbook. Richard L. Hamilton, 2L, Appleton, Wisconsin, editor of the 1961 Yearbook, has announced that a meeting will be held at 2 p.m. tomorrow in the Gray Room in Holmes Hall so that interested members of the first and second year classes can learn about the opportunities that exist.

Staff positions which will be filled include work in writing, in preparation of copy and pictures and in helping cover office hours. Students selected for these jobs will be eligible for generous commissions on sales of advertisements for the book and subscriptions. Holding one of these positions may also lead, although this is not a certainty, to a position on the editorial board next year. The positions on the board are paid positions.

Forum Fills Officer Vacancies

Stephen P. Robin, 2L, Washington D. C., has been elected to the position of Administrative Vice President of the Harvard Law School Forum. Since Mr. Robin had been treasurer of the Forum, his election created a vacancy which was filled by the election of Josiah S. Murray, 3L, Durham, N. C.

Richard E. Smith, 3L, Forum president, also has announced that candidates for membership in the Forum are still being considered, and interested first and second year students should make inquiries at the Forum office at 23 Everett Street.

What's Your Line?

Among the members of the first year class are a self-employed garbage man, a foreman of a detasseling crew for a hybrid seed company and an ice skate polisher.

Summers Abroad for Some on Faculty

While the student body was away from Langdell Hall during the recent summer months, various faculty members used this temporary respite from their pedagogical labors to pursue individual legal interests abroad.

Professor Berman chose Helsinki, Finland as the site for his "busman's holiday." There he participated in a conference which dealt with the subject of nonperformance and "force majeure" in international trade contracts.

The conference was held under the auspices of the International Association of Legal Science, with the support of UNESCO. Jurists from Czechoslovakia, Poland and Rumania joined with law professors from ten non-Communist countries in order to elaborate areas of agreement and disagreement in the field of legal control of international trade. Russian jurists who had been invited failed to appear. This probably resulted, Professor Berman believes, because of the repercussions of the U-2 flight.

Disagreement

Professor Berman found that much of the legal disagreement existing among the countries represented at the conference is in the area of terminology and approach rather than in practical result. For example, the European legal systems tend to accept the use of so-called penalty clauses in international trading contracts quite readily, while American and English courts tend to disapprove of such clauses.

The American and English courts, however, are willing to enforce liquidated damages provisions which often border on penalties, while European courts often limit penalties to what the parties could reasonably have anticipated as actual losses. The area of disagreement, then, centers about the American and English desire to retain the distinction between penalty clauses and liquidated damages and the European desire to consider these together within the concept of the penalty clause.

Professor Berman was also impressed by the differences in the legal treatment accorded to various international trade problems which exist between America, England and West

Germany on the one hand, and the remaining continental European countries, both East and West, on the other. These differences were clearly indicated by the various reports which were made to the conference.

The members of the conference discussed what the law ought to be in a number of international trade areas and also indicated their beliefs regarding what specific standard provisions should be included in international trade contracts. As a basis for this latter discussion the conference used the standard clauses established by the Economic Commission of Europe for particular commodities.

Report to Conference

Professor Berman reported to the conference on the development of American law in the area of excuse based on commercial impracticability as embodied in the Uniform Commercial Code. The conference also considered such issues as the effect of a denial or revocation of a governmental export license on the obligations of the contracting parties in international trade, and whether or not an export license is embraced by the standard legal formula that impossibility excuses performance.

On this latter issue Professor Berman espoused the position that in the event that the government does revoke an export license, the exporting seller should be excused from performance only if the contract expressly so provides because, he believes, the risk of governmental action should fall on the party whose government takes the action. However, the consensus of the conference was the opposite of this position. One of the Czechoslovakian delegates found this argument particularly offensive.

Long Range Effects

As is the case with most international conferences held today at which countries from both sides of the Iron Curtain are represented, the most important effects of this conference, Professor Berman believes, were of a long-range rather than an immediate character. He feels scholarship in the field of international trade was enriched, the trend toward greater uniformity of laws and judi-

al decisions in the area was encouraged and that the intellectual isolation of the Eastern European jurists was partly overcome.

Professor Berman returned encouraged by this experience of joining with lawyers from Communist and non-Communist countries in the discussion of issues having broad political overtones but which were handled in such a manner as to avoid creating nationalistic or "ideological" hostilities. By concentrating on the exposition of legal differences in the handling of the problems rather than on the evaluation of the issues from a strictly political standpoint, this conference, he believes, and others like it, can help to foster the development of an international framework of law and order.

Association Meeting

Professor Baxter used a portion of the vacation months to journey to Hamburg, Germany, where he attended a meeting of the International Law Association. This association meets every two years; in the interim its work is carried on by branch organizations in various countries.

Through the work of committees, both of the Association and of the national branches, this organization prepares and publishes statements of international law. These reports are treated as *Restatements* in their respective fields by many, and their authoritative character may be testified to by the fact that not only lawyers but such commercial institutions as banks, insurance companies and chambers of commerce also seek membership in the Association's branches.

Areas of Law

The Association was founded in about 1877 and for many years confined its work to subjects within the general area of international commercial and financial law. However, in recent years the Association has turned its attention increasingly to such topics as the law of outer space and the problems of attaining peaceful coexistence.

At this year's meeting of the Association, Professor Baxter served as "Rapporteur" for the Committee on the Law of the Uses of Waters of International River Basins and Inter-Oceanic Canals. He was also a member of the Committee on International Medical Law. As "Rapporteur" of the former committee he submitted, in November, 1959, a report containing his proposals for "an ac-

ceptable set of articles on the navigation of international canals."

His purpose was to provide a set of basic propositions on which "States might be able to agree as a correct expression of what their rights and duties should be with respect to these canals." In drafting these proposed articles Professor Baxter had in mind particularly the three major interoceanic canals — Suez, Panama and Kiel.

The Committee held discussions concerning this report and submitted certain objections and suggestions to Professor Baxter. After careful consideration, he drafted a second report replying to the Committee. This report was presented at the time of the Association's meeting this past summer.

In this second report, Professor Baxter dealt, in part, with the committee's objection as to the feasibility of undertaking to draft a codification of the law relating to these three interoceanic canals. He believes that the various treaties and conventions now governing the operation and use of these interoceanic canals are not sufficient. He feels that "the enunciation of general principles would be conducive to the juridification of problems of transit through international canals and the removal of such questions from the arena of international politics."

Professor Baxter believes that the incidental purposes of these bi-annual meetings of the Association are the most important. He stresses particularly the value of the professional contacts among persons from countries throughout the world which are made at these meetings. As far as actual contributions to the field of international law are concerned, these are produced by the various Association and branch committee reports which are presented to the full Association at the formal meetings.

— Meyer

Harkness Reports Early Decline

The management of Harkness Commons reports that the number of meals served has decreased compared to a similar period last year. In order to provide a profit for the Stouffer Food Management Service that is operating the dining hall, an increase of 20 per cent over the total number of meals served last year would be necessary.

FEATURES SECTION



Mass. Ave. The face-lifting for an old friend diverts law students.

From Blackstone to Blacktop

Since the beginning of the present school term, certain activities in the area of the Law School have served as constant reminders of Heraclitus' famous proposition that "things are in a constant state of flux." Of Mass. Ave. it may truly be said that "one cannot step in the same street twice."

For at least eight hours out of every weekday classes are conducted against a background of the staccato cacophony of pneumatic drills biting into concrete. Steam rollers chase pedestrians down Mass. Ave., while law students take time out from work in Blackstone to watch work in blacktop.

The major cause for all the activity is a project jointly sponsored and financed by the Commonwealth of Massachusetts and the Federal Government for the refurbishing of Mass. Ave. between Porter Square and Harvard Square. The work, which began at the end of August, has thus far progressed to the point where the old trolley tracks have been buried under several inches of macadam, for removal is more expensive than the salvage value of the steel warrants.

The street has been widened by fourteen feet, and the sidewalks have been changed from brick to concrete. Before the job is finished the street will boast an entirely new traffic signal system, new fire alarm boxes,

new storm sewers and a concrete dividing strip that will take up five of the feet that were gained in the widening.

Big, Big

Thomas J. Dooley, the contractor for the project, after being convinced that we were not taking pictures for an insurance company investigating a workman's claim, stated that the new six-lane highway will be the result of the labor of about forty men per day. It will consume 10,000 cubic yards of excavation, 10,000 square yards of cement, 40 tons of new curbing for corners, 15,000 tons of asphalt and an outlay of \$230,000.

Already Mass. Ave. has the benefit of a brand new lighting system installed and operated by the Cambridge Electric Light Co. About eighty new mercury vapor lamps of modernistic design cast three to four times as much light as the old ones did.

There are no immediate plans to go beyond Porter Square or Harvard Square, and the present job should be finished by the middle of November. However, diversion will be supplied through the winter by construction of a \$1,000,000 motor inn on the corner of Mass. Ave. and Wendell Street.

The end result of this endeavor will be a T-shaped modern structure of 135 rooms with a six-story brick wing on Wendell Street and

a four-story limestone wing on Mass. Ave. Construction, which is being done by M. de-Matteo Co., was begun early in September and will be finished in the spring.

Future plans include a swimming pool, but the contractors have already produced a creek on Wendell Street where they have been pumping the water that has been draining into their excavation for the last month.

Doubtless, the great majority of the Law School will spend this year as much in sidewalk engineering as in social engineering.

— Baron

Record Meeting

(Continued from Page 1)

sume considerable responsibility in a short time by concentrating in one department.

Men and women with experience of a journalistic or business nature are encouraged to attend the meeting this evening, but those who have not worked on school newspapers or magazines are reminded that facility with the written word or a desire to acquire the experience that results from continued writing under the pressure of a deadline are the principal requirements. Only about half of the members of the editorial boards of the last two years have had previous newspaper experience.

A certain number of applications will be accepted from members of other Law School organizations, since the paper functions best in reporting Law School activities if members of other groups work closely with RECORD members or are themselves on the staff.

The operations of the RECORD will be explained at the smoker by members of the editorial board, but for the information of those who may be unable to attend a description of the structure of the organization follows.

The content of the publication at the present time is divided into material of either a news or features nature. News stories are written by students who are members of the staff or of the organizations presenting the speakers.

Feature articles are solicited from professors and practicing attorneys and also are written by members of the RECORD. Members of the features staff have frequent opportunities to interview professors and to correspond with figures of stature in law and politics outside the Law School. The news and features departments are under the su-

pervision of their respective editors.

Once copy is written it is subjected to the scrutiny of the production staff, headed by the editorial manager and copy editor. The latter must see that all material follows the style adopted by the RECORD — although features may reflect more of the opinions and the individual stylistic taste of the writer.

Editorial policy and the determination of the position of articles and pictures and the final appearance of each issue as it comes from the printer are the responsibility of the editorial manager.

Operating in close harmony with the news and features editors and under the coordination of the editorial manager is the photography editor. Coverage of important speakers, special photographic work and the final determination of pictures that are used are the responsibility of the photography editor.

7500 Subscribers

An organization with 7,500 subscribers drawn from students, faculty and alumni cannot operate without considerable financial support. The job of the business manager and his staff is the channeling of funds from various sources such as advertising and subscriptions into the central fisc and out again into the myriad accounts that comprise the creditors of a healthy publication. The advertising manager's work determines whether the organization has sufficient funds. The salesmen who work with him are the only paid members of the organization, receiving a commission upon all advertising sold.

All interested members of the first two classes at the Law School are invited to attend the RECORD Smoker at 4 p.m. to discuss opportunities with present members.

Alumni Notes

LL.B. '48 — Noah N. Langdale, Jr., president of Georgia State College of Business Administration, has been appointed by President Eisenhower as a member of the United States Advisory Commission on Educational Exchange.

LL.B. '57 — Derrick W. Samuelson has become staff attorney for the International Division of Warner-Lambert Pharmaceutical Company, Morris Plains, New Jersey.

The Heavens of Grabit, Getit & Holdit

Nothing but the best outfit would do. Meaning, of course, that he had to wear his Brooks Brothers vested suit and that he had to impress the representative of that biggest of all the goliaths of the hiring public, Grabit, Getit & Holdit. This was his first interview; he had spent a little over two years working himself up to the proper emotional pitch so that he could face the interviewer with his best smile. All was in readiness for his debut on the selling block.

Very slowly he walked down Everett Street. He did not want anyone to see the anticipation in his eyes. This year, and then he will be walking down the street of walls. Of such concrete is fame made.

Very slowly he walked up the stairs to the building, yellow in its age, which contained the representative he was to meet. Now he must wait at the foot of the stairs that climbed to the tiny cubicle wherein sat that man who was going to offer him the moon and sixpence. Another of his number was warming the representative up to the proper pitch of acceptance.

Toward Heaven

Soon he learned that the prior seeker-after-fame had concluded his run-through of reasons why Grabit, Getit & Holdit could not possibly continue in its successful practice of law without his services. (In fact, it was questionable how they

had gotten along up to this point of time without his genius.) Up the stairs he went, thinking it was just like striding toward heaven.

Pushing in the door of room number one, he took a moment to re-check all the vital points on his appearance check list, and then he thrust in his foot and came face to face with the representative who controlled his future. In he went, thoroughly prepared for what was to come.

There the interviewer sat in the chair, his well-padded frame filling all of it. He was obviously well-stuffed from his own good eating and his clients' litigation, or avoidance thereof. Wearing the grey of the street from which he came, so as always to remind him of its beauty, he was a forty-year flash-ahead of the seeker who was approaching him.

Callousness

With a wave of his hand that showed a signal lack of callousness from the wear it endured placing his signature at the end of protective documents, he motioned the seeker into the chair at the corner

of the desk. "Good afternoon," said he of the well-padded frame. "My name is Streeter, J.; I am the hiring, or rather the personnel, man of Grabit, Getit & Holdit. Our Firm would not be as crass as to give me the title of hiring agent."

The interviewee pulled up the chair pointed out to him and said, in his best voice, "Hi."

There was a pause before Streeter, J., began his probing interview. When he did, it was what could be expected. "Our Firm is engaged in the preservation of the values of our democratic society. We specialize in one of the fields which are mentioned and specifically guaranteed by one of the first ten amendments to the Constitution. Maybe you have read it? Good. We deal

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with property rights. Much more important than dealing with humans. But do not get me wrong. A great deal of our business concerns humans. It is only through them that our work is provided. But you must understand our concern is with the challenging, intensely difficult and interesting analytical problems which they present. You *do* understand?"

Being a very bright fellow, the interviewee nodded in the affirmative.

Golden Tip

"Good. As I was saying, we are concerned with the continuance of this democracy and its democratic principles. Everyone needs a free society in which to grow. And, needless to say, the lawyer's position in such a society is in the forefront. But back to the Firm. You do know that we are on that island with a golden tip? We like to think of the area in which we are located as being the golden tip. The golden tip because we feel it is like the point of a pen, touch it to a check and the gold flows.

"Our opportunities are good. In your first year with us you should get a raise of about \$400. Most of the new boys find they can build up quite a savings account during their first three years with us. They save on clothes because they only need

one suit, on lodging because they sleep in the office, on entertainment because there are plenty of good books to read and even on the family because we have few visiting hours. You will find that the new boys like to think of the office as home. Remember, though, it is not every seeker that we take into our honored household. You will understand that we must be selective.

"Now, let me see. I have a few questions to ask you before I give you the same opportunity. Where did you rank in your class?"

"Fifty-six, sir. But you must remember that we have *all* outstanding . . ."

"And what was your average?"

"73.77201. That is a full two points above the next fellow. I expect a much better . . ."

"Now, do you have any questions?"

"No, sir."

"You have not told me why you wish to practice in our city."

"I like the architecture. And the cultural life is *unbelievable*."

"And why would you like to join

our Firm?"

"I know that your firm is engaged in the preservation of the values of our democratic society. . . ."

Each bid the other a fond farewell with a firm shake of hands. For the moment that their hands were clasped, heaven and earth were as one.

The interviewee was soon out on the hard sidewalks of Everett Street and on his way into the future. He had participated in the annual autumnal influx of barterers to his soul's content. Soon the snow would cover up the traces of the autumn bargain, if it had not done so already.

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Meatball & Sausage	60c - 35c
Salami & Provolone	60c - 40c
Imported Ham	50c - 30c
Super - Genoa Salami, Cappicola,	
Ham, Provolone	60c - 40c
Mortadella & Provolone	50c - 30c
Pepper Steak	60c - 40c
All Cheese	50c - 30c
Lobster	60c - 35c
Hot Pastromi	60c - 40c
Fried Egg	50c - 30c
Pepper Burger	60c - 40c
Corned Beef	65c - 40c
Ham Super	50c - 30c
Veal Cutlet	60c - 40c
Turkey	75c - 40c
Cappicola	60c - 35c
Cheese Supreme	60c - 40c
Egg Salad	50c - 30c
Deep Sea Doodle	60c - 35c
Sausage	50c - 30c
Super Italian	50c - 30c
Salami & Minced Ham	60c - 35c
Luncheon Meat & Cheese	50c - 35c
Pepperoni & Provolone	60c - 35c
Salami, Ham & Provolone	60c - 35c
Coffee (to stay or to go)	10c

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Recent Books

By Robert C. Berry

LEGAL REASONING: The Evolutionary Process of Law, by William Zelermyer, Prentice-Hall, Inc., Englewood Cliffs, N. J., 1960.

"Whence comes the law, and whither does it go?"

This question has been asked and attempted to be answered in all shapes and forms, knowingly and ignorantly, exhaustively and superficially. Exactly where this book falls is a little hard to define, but it is fairly safe to say that it is somewhere in the great in-between.

From the lawyer's point of view, Professor Zelermyer's earlier book, *Invasion of Privacy*, should hold more of interest and potential knowledge than does the present work. *Legal Reasoning* does not seem to be for the lawyer at all, or even the law student, but more for the layman, as for example, the undergraduate student.

We are taken initially in this book on an excursion into the seven seas of the law, namely the seven major sources that a lawyer would consult in studying a given fact situation — statutes, digests, cases and so forth. To a person without a legal background, this account might be somewhat enlightening; to a lawyer, however, or to even the fledgling law student, it is soon old hat.

Already Knows

By the time a person reaches law school, he probably will be acquainted with most of the observations made in *Legal Reasoning*. The treatment of the subject matter is therefore a little elementary and tedious. Although the book presents a legitimate concept of the legal process, the means and where-withal by which it does so are not such as to challenge or greatly inform.

This does not mean the book is devoid of certain valid commentary or of clear and appreciable writing. In smooth readable strokes, Professor Zelermyer, LL.B. '39, traces

the material with certain salient observations.

His discussion, for example, of the renowned and ever known saga of Mrs. Palsgraf is enjoyable, particularly to a person who has been previously immersed in its baptismal doctrine. Here the case is used to show how the doctrine came to be, what preceded it, and what made it bear the type fruit it did. In other words, it illustrates the "evolutionary process of law," which is the book's sub-title.

Growth of the Law

Most of *Legal Reasoning* deals with the lawyer's tools and how they can be used in the larger process of the growth of the law. This is a very legitimate undertaking. It is too bad that it does not go further, beyond the preliminaries; for a need does exist in this area.

For one initially facing a thorough examination of the law, it can seem that he is faced with a mass of unrelated material that has, for seeming convenience, been lumped under some general heading or other. To him there is no basic *raison d'être*, either to the heading or to the law itself. Particularly can this be true of a law student. Since he is soon taught to forget about relying on the term "justice," or on "what is right," he feels left without anything for a basic guide.

Most of these problems of course fall into a patterned weave eventually, but this does not mean that

understanding and help could not come sooner. This book begins, but whether it goes far enough, except for the casual layman, is somewhat questionable.

"One parting thought," the author says. "Beware of generalizations. They may not be well founded. Do not draw generalizations from the reading of one case. . . . One case does not provide an answer to a legal problem. . . ."

But this is where we come in. This is where we begin, not where we part.

* * *

MOTIONS DURING TRIAL, by Howard Hilton Spellman, Prentice-Hall, Inc., Englewood Cliffs, N. J., 1960.

An undoubted practical aid to the lawyer is this book on forms of motions that may be needed during the actual trial situation. Containing 317 motions, the gamut of possibilities is run, from "Notice of Motion Covering Substantial Changes in, or Additions to, Filed Papers" to "Motion for Extension of Time to Prepare Appeal."

In between, as would actually occur in between the times for

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making these two motions at a trial, are the forms and explanations of many of the other motions that might have significant bearing on the outcome of the litigation.

The author of this thick volume, Howard Hilton Spellman, is a member of the New York bar and active as a trial and appellate lawyer. In the practice of law for 37 years, Spellman has here set forth his seventh work in the general field of legal treatises. Some of his previous offerings have included *How to Prove a Prima Facie Defense*, *Corporate Directors* and *Criminal Codes of N. Y., Annotated*.

Ready Guide

This present volume should be noted for its attempt to provide a ready guide to the precise and concise wording in which a particular motion, whatever it might be, should be couched. With the motions being arranged in the chronological order in which they would normally arise and, further, being divided into general subject head-

ings, easy reference is possible.

There is, in addition, a thorough effort made by the author to make this volume and the motions contained therein suitable for use in all jurisdictions. By accompanying footnotes of cases from various jurisdictions, by an implementation of the Federal Rules of Civil Procedure and by explanations of how certain fact situations dictate different language, *Motions During Trial* goes as far as perhaps a general treatise can in bridging the gap between the numerous state and federal jurisdictions.

Many of the motions touched upon in this book would be made only through a lawyer being cognizant that such-and-so should be done, in the courtroom and orally. Thus, while a lawyer's own experience is no doubt the basic ingredient, a prior look at the situations that may arise and the corresponding precise answers that might be made should be a valuable and handy reference.

Letters to the Editor

To the Editor:

Captain Joseph Crowe, in the office of the Chief of Detectives of the St. Louis police force, has just called me to advise me that among the unclaimed loot found in the possession of a burglar who has operated from coast to coast, there is a Harvard Law School ring.

* * *

This particular burglar apparently had quite a lucrative business and was caught with loot that has been identified by his victims who were burglarized in different areas of the country, including, particularly, the area outside of New York City in Westchester County and, as I understand it, in New Jersey.

Someone active in the Harvard Law RECORD might devise a notice to your readers to find the owner of this ring who could properly identify the ring and undoubtedly other loot still in possession of the St. Louis police. I am sure such law school graduate would be pleased to recover both the ring and

any additional items still on hand.

* * * The owner of the ring could, moreover, get in touch with his local police department and they, in turn, would advise the St. Louis police department.

I trust that this miscellaneous piece of information may be useful to some old Harvard graduate.

James A. Singer,
Attorney
St. Louis, Missouri

UNIVERSITY

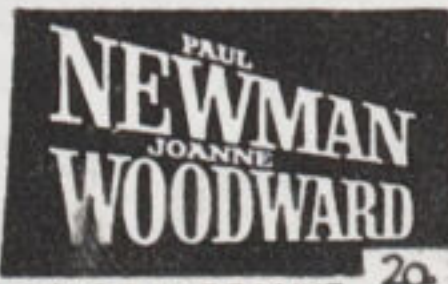
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CALENDAR

(Continued from Page 2)

tive' in Foreign Policy," in Phillips Brooks House, at 4 p.m.

The **FORD HALL FORUM** will present Helen Gahagan Douglas, former Congresswoman from California, speaking on "Ethics in Political Campaigns," in Jordan Hall, at 8 p.m.

Monday, October 24

The **INTERNATIONAL LAW CLUB** will present Professor Maxwell Cohen, Dean of the McGill University Faculty of Law, speaking on "Some Critical International Law Problems of Today," in the Meeting Room of Harkness Commons, at 8:15 p.m.

Wednesday, October 26

The **HARVARD LAW WIVES** will meet for a bridge night in the Meeting Room of Harkness Commons, at 8 p.m.

The **LAW AND GRADUATE SCHOOL YOUNG REPUBLICAN CLUB** will present Christian A. Herter, Jr., at a luncheon meeting in the Mallory Smith Room of Harkness Commons, at 1 p.m.

Weekend

Entertainment

BRATTLE — A Lesson In Love (Thru Sat.); 5:30, 7:30, 9:30 — (Starts Sun.) Some Like It Hot. Mats. Sat. & Sun. 3:30.

UNIVERSITY — From The Terrace — 2:15 p.m., 5:30, 8:45 (Starts Sun.) The Crowded Sky.

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, 3:00, 5:00, 7:00, 9:00.

EXETER — I'm All Right, Jack — 2:05, 3:50, 5:40, 7:30, 9:20.

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

TELEPIX — The Roof — 11:30 a.m., 1:30 p.m., 3:30, 5:30, 7:30, 9:30.

UPTOWN — It Started In Naples; 11:00 a.m., 2:35 p.m., 6:10, 9:50. Pay Or Die; 12:40 p.m., 4:15, 7:50.