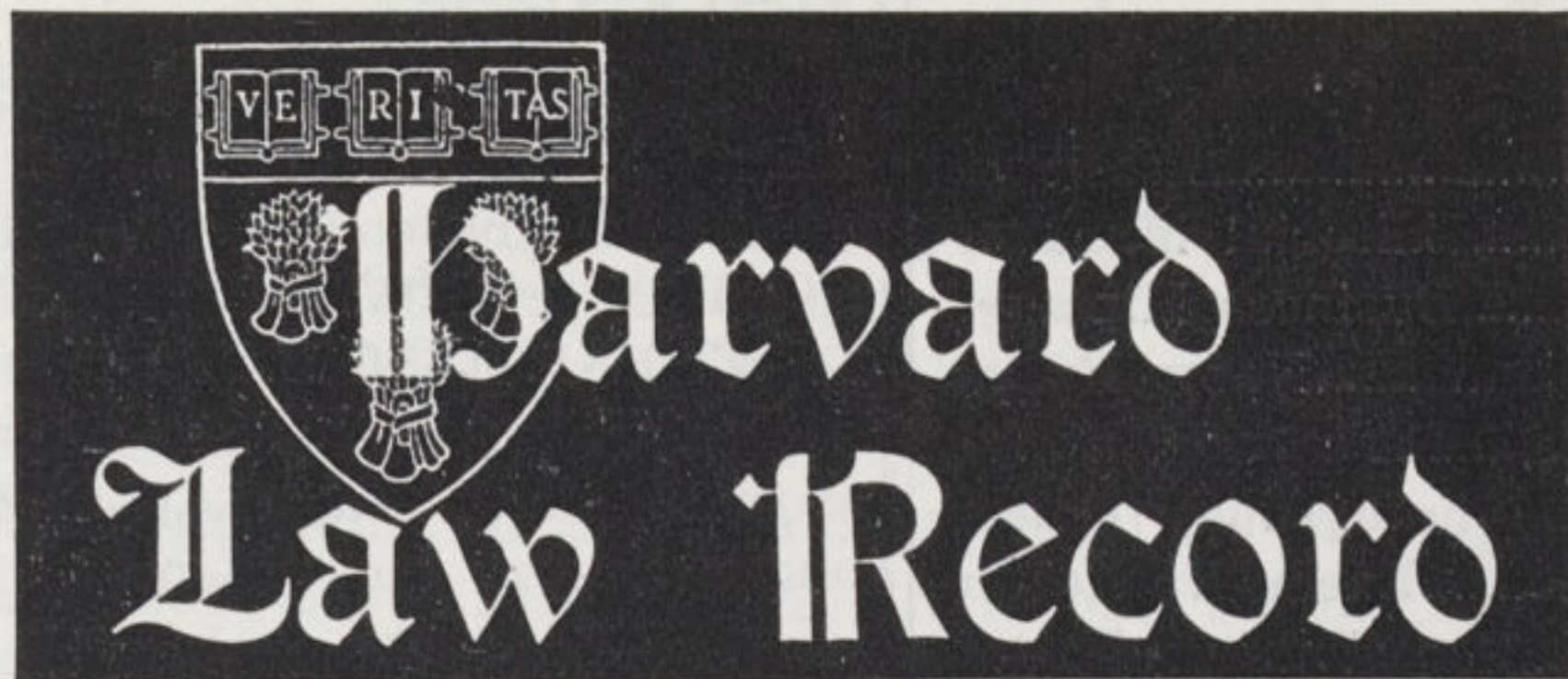




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NO. 11

Reform of Electoral College

Professor Paul A. Freund, Carl M. Loeb University Professor, spoke on "Reform of the Electoral College" at a meeting of the Law School Young Republican Club on Wednesday, November 30. Professor Freund, who teaches Constitutional Law, was an adviser to Senator Kennedy during the presidential campaign.



Professor Freund

Four objections to the present electoral system were listed by Professor Freund. To begin with, said Professor Freund with tongue in cheek, it is an anachronism without the saving pageantry of such anachronisms as the British royal family. In a more serious vein, he pointed out that it would be very inappropriate today for electors to

exercise their own private wisdom, although this was the role conceived for them by the framers of the Constitution.

A second and currently prominent objection to the present system is that it may produce an "erroneous" result from the standpoint of the popular will as manifested by the popular vote. Also objectionable is the gap in time between the popular election and the technical, formal election by the Electoral College, since there is no law to provide for the case where the popularly

(Continued on Page 4)

Law School Students Eligible for Prizes

Students at the Law School are eligible to compete for prizes ranging, for the first prize, from \$250 to \$500, in three contests which are held on either a school or national level. The only winner last year was David P. Currie, LL.B. '60, who won the Addison Brown Prize.

That prize is an award of \$400 from the bequest of Addison Brown, former Judge of the District Court for the Southern District of New York, for the best essay by a student at the Law School on some subject of maritime or private international law.

Any student in the School in regular standing during the year 1960-61 and a candidate for any degree may compete for the prize this year.

A list of ten appropriate topics is posted on the bulletin board in Langdell Hall and includes such suggestions as "The Implications of Professor Currie's Views for a Fed-

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Harvard Law Record

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Hearsay

The festivities of the Mardi Gras are what normally focuses one's attention on the city of New Orleans. Now, however, it has moved into the center of attention through another type of event which is far from entertaining and which is even less a reason for celebration. This performance, of course, is the current furor over integration.

Lost in the labyrinth of problems which the situation involves are the youthful Negroes' perspectives of American democracy. Primarily, it is the effect of the fiasco on them that is the most important consideration. In their classrooms they learn of the ideals of democratic equality and individual liberties; yet these principles are presented to them in the form of spit and jeers as they walk out of the schools with the words of freedom still warming their hearts and brightening their minds.

But we in the North are in a position that is not too much better. It is not for us to say, in our sanctimoniousness, that the Southerners are wrong and that there are not similar problems on this side of the Mason-Dixon line. What must be said is that integration is necessary, as everyone will admit if the deep recesses of his soul are allowed to control his opinion. In some areas, both geographically and topically, it will be wanting of attainment for a little while longer.

Granting that the process will take time, it is imperative that demonstrations such as those that are currently occupying the forefront in the news media must not continue. They have catastrophic effects both internally and internationally. Domestically, our principles are made a sham, our system of education cuts out a goodly number of prospective leaders before they have had an opportunity to receive the kind of instruction through which they can develop their talents so that we might all benefit. Internationally, the uses to which the incidents can be put are obvious. We are sufficiently writing the material for the Communist line and, at the same time, showing the emerging nations of Africa and the neutrals of Asia the "advantages" of living under a democratic regime.

If the picture seems to be necessitous of improvement and the terms seem to be impulsive, one goal is attainable. The war that decided our philosophy of citizenship has been over for one hundred years. The decision that evolved on the battle fields must be implemented in the classrooms.

CALENDAR

Thursday, December 8

Professor W. Barton Leach will address a luncheon meeting of the **BOSTON UNIVERSITY STUDENT BAR ASSOCIATION** on the subject of "The Rule Against Perpetuities: 'Trap' Applications and Statutory Corrections."

Sunday, December 11

The **FORD HALL FORUM** will present Dr. Martin Luther King, Jr. speaking on "The Future of Integration," in Jordan Hall, at 8 p. m.

Monday, December 12

The **YOUNG REPUBLICAN CLUB** will present Professor Richard R. Bowie, Director of the Center for International Affairs, at a luncheon meeting in the Mallory Smith Room, Harkness Commons, at 1 p.m.

Law students interested in conservatism in American politics are invited to a conservatives' organization meeting, to form a Harvard chapter of the **YOUNG AMERICANS FOR FREEDOM**. Meeting place to be announced.

Wednesday, December 14

The **HARVARD LAW WIVES** will present Mr. Paul H. Stoddard, Assistant Special Agent in charge of the Boston office of the Federal Bureau of Investigation, at a meeting to be held upstairs in Harkness Commons, at 7:30 p. m.

The **BULL AND BEAR CLUB** will present Thomas F. O'Neil, president of R.K.O. General Inc., speaking on "Subscription Television," in the Meeting Room, Harkness Commons, at 8:30 p. m.

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Jaffe Triumphs in Ames Semi-finals

The Jaffe Club was the winner last week in the second of two semi-final arguments in the Ames Competition. In a split decision the Jaffe Club was judged to be the victor over the Gardner Club and will enter the final argument in the spring against the Magruder Club, winner of the other semi-final argument. Having held for the Jaffe Club on points, however, the court decided the questions of law for the appellant, the Gardner Club.

The judges in the case were the Hon. John Biggs, Jr., United States Court of Appeals for the Third Circuit, Hon. Clement F. Haynesworth, Jr., United States Court of Appeals for the Fourth Circuit and Hon. Andrew A. Caffrey, United States District Court for the District of Massachusetts.

Oralists for the victorious Jaffe Club were Charles C. Collins, Jr., Ridgewood, N. J. and Thomas A. Skornia, Wheaton, Ill. Counsel on the brief were Thomas F. Field, Wilmington, Del.; A. Remy Fransen, Jr., New



Jaffe Oralists Collins and Skornia

Orleans, La.; R. Timothy Hanlon, Maplewood, Mo.; David C. Weisberg, Cambridge, Mass.; Jack C. Wood, Franklin, Ind.; and Charles M. Wyndham III, Wilmington, Del.

Oralists for the unsuccessful Gardner Club were Robert W. Scrivner, Topeka, Kansas and Robert S. Smith, Jacksonville, Florida.

The Jaffe Club was counsel for the prosecution in a case entitled *Silverman et al. v. United States of Ames*. Defendants had been convicted of gambling offenses in the District

of Columbia and of engaging in the business of accepting wagers without having paid the



Judges (l. to r.) Haynsworth, Biggs and Caffrey

special tax required by the Internal Revenue Code. The trial court ruled that the action of officers who entered an adjoining row house and inserted an antenna spike into the party wall in order to overhear the defendants was not an unlawful search and seizure and did not violate the Federal Communications Act.

Defendants successfully alleged that the rulings were inconsistent in that the judge sitting without a jury convicted the defendants on the gambling and tax counts while acquitting them of the charge of accepting wagers. The court held for appellants on this count, stating that the counts were inconsistent and would have to be re-tried.

The court also held, in the words of the Chief Judge, that "the issue of double jeopardy was precisely presented and the court would have to uphold the appellant." This issue resulted from simultaneous convictions under several gambling counts, held by the court to be improper under the District of Columbia Code.

Humorous situations resulted a number of times during the evening, with Mr. Smith remarking at one point that the "argument of the cops — I mean 'police' — would not stand." His brother, Mr. Scrivner, later drew a smile from the bench when he suggested that although he was citing a decision that was in point, he only wished that he could add cases from the Third and Fourth Circuits to his list of citations.

Electoral College

(Continued from Page 1)

elected President dies before the College meets.

Vote Distorted

The final objection mentioned by Professor Freund is that the system gives a distorted measure of the popular will even when it doesn't produce a different result. There are three reasons for this distortion. In the first place, small states have a disproportionate electoral vote total because each state is allotted an electoral vote for each of its two Senators. Thus in Nevada, with 3 electoral votes and a population of approximately 165,000, each electoral vote represents 55,000 people, while in New York, which has 45 electoral votes and a population of approximately 16,000,000, each electoral vote represents about 355,000 people.

Moreover, the present system gives undue influence to those states — principally in the South — in which year after year the votes are cast by only a small proportion of the eligible voters.

Finally, the popular will is distorted because the electoral vote system magnifies the importance of the closely divided industrial states with their large blocks of electoral votes and gives minority groups in these states an influence far in excess of that warranted by their numbers.

Methods of Reform

Three types of reform have been suggested, Professor Freund said. The most obvious is the abolition of the electoral college and the substitution for it of direct popular election. Professor Freund observed that at first blush this seems to be a decided improvement. It is also, he said, the least likely to be adopted, since it would require an amendment to the Constitution, which probably couldn't win ratification from the required number of states. Apart from this consideration, however, Professor Freund noted two objections to abolition.

One such objection is that direct popular vote would promote the growth of minor parties by reflecting their aggregate vote and thereby making worthwhile a greater effort on their part to attract popular votes. Such encouragement to third parties would

be undesirable, for it could result in the election of Presidents by small pluralities, thereby depriving them of a mandate. This happens occasionally even under the present electoral system. Another objection is that the position of the small states would be further enhanced by removing the counterpoise of big electoral vote blocks.

Electoral Votes Divided

A second suggested reform is embodied in what has come to be known as the Lodge-Gossett amendment. This plan would retain the electoral vote system but would divide each state's electoral votes according to the ratio of the popular vote within that state, thus more accurately reflecting the popular vote division.

This plan too has faults, Professor Freund said. It too would stimulate the growth of minor parties, and it would preserve two of the faults of the present system — the overweighting of the small states and those having small voting populations in proportion to eligible voters.

Perhaps the easiest reform plan to put into effect is one providing for the allocation of one electoral vote to each congressional district in a state, with two at-large electoral votes (representing a state's two United States Senators) going to the candidate who wins in a majority of the state's congressional districts.

This plan would not require a Constitutional amendment. Instead, the states would be free to adopt this system by statute, since the Constitution gives them the right to determine how the electors shall be chosen.

Since none of these reforms are likely to win approval, Professor Freund suggested as something of a compromise that the electoral vote be retained but the individual electors be abolished. But even this would require an amendment to the Constitution, and whether the improvement would be significant enough to warrant the trouble is questionable.

Professor Freund said that his own inclination was to retain the present system, inasmuch as all the alternatives appear to be even more unsatisfactory. The present electoral system at least discourages third parties and avoids having the election thrown into the House of Representatives.

— Matia

King of Torts

Belli Tells Trends in Torts

Before an attentive and responsive audience in Lowell Lecture Hall, "The King of Torts" and the "Kingfish" discussed current trends in the field of tort law and federal-state relations. Well-known attorney Melvin Belli and Louisiana State Senator Albert Bromfield appeared under the auspices of The Student Bar Association.

Belli was introduced to the audience by Asher Rubin, 3L, Liberty, New York. Belli addressed himself to such areas of the law as the current trend toward absolute liability, the ethical problem of contingencies and the philosophy of an adequate award. Senator Bromfield, who was not scheduled to appear but who came with Belli, discussed the recent integration problem in New Orleans in the context of a general pattern in which the federal courts are ignoring the substantive law of the states.

Growing Trend

Discussing the growing trend toward absolute liability, Belli flatly predicted that he would win one of the cancer-cigarette cases within six to eight months. In discussing the ethical problems of increasing costs of litigation and contingent fees, he rapped a plan by which an individual who purchases insurance would also be provided with an attorney both in the defense of and the bringing of a suit. He also was skeptical about California Governor Edmund Brown's plan to have a commission try personal injury cases.

Inevitably the topic of malpractice suits came up. A growing problem in this area is the reluctance of doctors to provide emergency service at the scene of an accident for fear of being held liable in a malpractice suit. The well-known personal claims lawyer referred to recent action by the California Legislature in passing a bill which would bar the recovery of civil damages against physicians who in good faith administer aid to injured persons under emergency conditions.

Belli also discussed the possible ramifications of the cases arising from the manufacture of polio vaccine with live virus by the Cutter Laboratory. An example of a case that might arise would be one in which the

live virus was given to a small child who was already immune and could not be stricken. However, the live virus would pass through the child's system and would somehow be transmitted to another member of the family. The problem might be whether the father could sue for breach of warranty if he were subsequently stricken.

Another problem discussed was that of awards which would be commensurate with injuries, expenses flowing from the injury and other damage. Belli cited a court in Lexington, Kentucky, for never giving an award for a man's life of over \$55,000 while



Melvin Belli

a contract recently brought \$1,000,000 for the horse Bally Ache. Belli also discussed the situation in which an individual might be injured five miles over the Mexican border and could recover only \$6,000, while if the accident had happened in California, he probably would have received \$40,000. The whole problem boils down, according to Belli, to the question of what an individual has lost in a personal injury. Summing up, Belli said that he felt that the rigorous screening of plaintiffs in personal injury cases by defense lawyers has done much to weed out those claimants who are feigning injuries. He called for acceptance of this fact by the American public and said that he felt that

when this acceptance came about damages would be closer to being adequate.

Upon concluding his remarks, Belli introduced his colleague, State Senator Albert "Kingfish" Bromfield of Louisiana. The Louisiana legislator briefly discussed the problems of integration. He placed the issue in the perspective of being only one in a number of examples in which the federal courts refuse to uphold the substantive law of the states. He alleged that in this process the principles laid down in *Erie v. Tompkins* are being eliminated and *Swift v. Tyson* is being resurrected. Bromfield cited his personal experience in the recent cigarette cancer cases in the federal district court as an example of this tendency. He said that the Louisiana rule of implied warranty was ignored and a federal rule applied. — **Graham**

Student Prizes

(Continued from Page 1)

eral System," "An Appraisal of the Choice-of-Law Rules in the Uniform Commercial Code" and "Choice-of-Law Clauses in International Trade Contracts."

Students who are in doubt as to the suitability of a topic may contact any member of a committee which consists of Professor Trautman, Chairman, and Professors Cavers, Howe and von Mehren.

The Nathan Burkan Memorial Competition, sponsored by the American Society of Composers, Authors and Publishers, offers prizes for the two best papers on any phase

of copyright law submitted at this school. The prizes are \$250 and \$100.

The competition is open to all third year students. Papers prepared in connection with a seminar or a third year writing requirement may be offered. A booklet containing a reference list of illustrative cases, a bibliography and a full description of the competition is available at the Dean's office. Papers are due in that office before May 1, 1961.

A third contest is the ALSA Opinion Letter Writing Competition, sponsored under the joint auspices of Scribes, the Conference on Personal Finance Law and the American Law Student Association. The competition is open to any law student in the United States who is a member of a student organization affiliated with ALSA.

The question in the contest held last year was in the area of personal finance law. This year it concerns the rights of a lender against a bankrupt who obtained a loan using a false financial statement. A letter with accompanying memorandum of law must be written in answer to the client's letter. The three prizes in the national contest are \$500, \$250 and \$150.

Pound Biblio on Sale

The Harvard Law Library has announced that it is accepting orders for *A Bibliography of the Writings of Roscoe Pound, 1940-1960*, compiled by George A. Strait, Assistant Librarian. The price of the bibliography is \$2.50.

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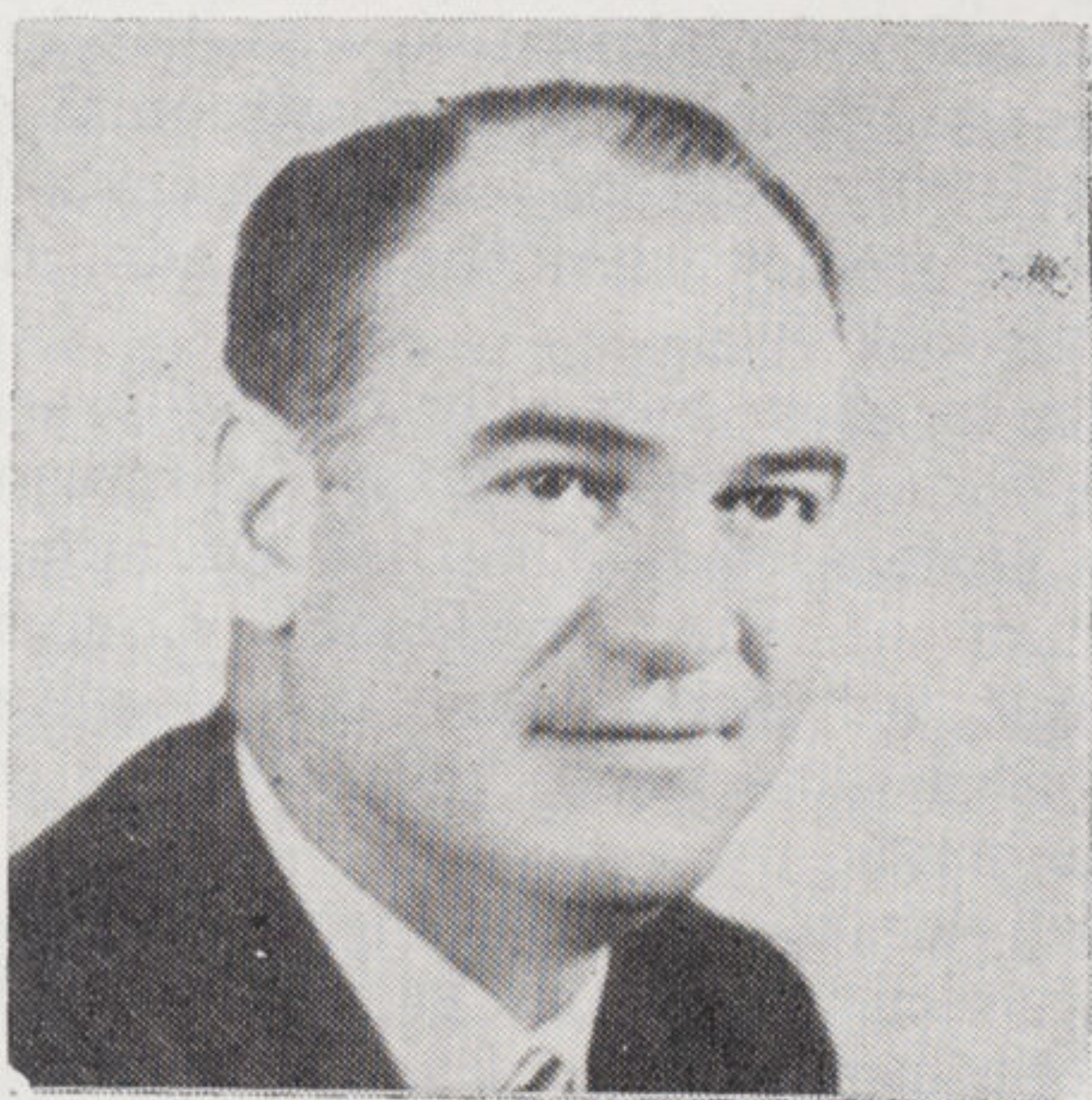
Nov. 28 thru Dec. 23



Pay-Television Pioneer to Speak

Mr. Thomas F. O'Neil, a radio-television executive and pioneer in the development of pay-television, will address the Bull and Bear Club on Wednesday, December 14, at 8:30 p.m. in the Harkness Meeting Room. Mr. O'Neil is president and board chairman of RKO General, Inc., which owns and will soon operate WHCT, in Hartford, Conn., as the country's first subscription television station.

Bull and Bear Club members and their dates or wives are invited to the meeting to hear Mr. O'Neil comment on pay-television in



Thomas O'Neil

general and in particular on his firm's experiment. A cocktail party will follow Mr. O'Neil's address.

Mr. O'Neil is a vice president and director of General Tire and Rubber Co. and is the head of General Tire's radio-TV subsidiary, RKO General. RKO General owns and operates RKO-Pathe; the Yankee Network; radio and television stations in Windsor, Ontario, and in Boston, Los Angeles and Memphis; and radio stations in New York, Washington and San Francisco.

Signals Scrambled

The subscription-television experiment in Hartford is unique. Participation in the pay-TV test requires a television set receptive to ultra high frequency signals (a converter, if needed, may be purchased for \$50) and a device to unscramble the audio and video signals transmitted (an unscrambler will be rented at a nominal charge).

A participating subscriber needs only to adjust the unscrambler dial in order to receive the program being presented. That same adjustment causes an imprinting of the program's price onto a tape. The tape is cut off monthly and mailed to RKO General along with the total subscription amount owed.

The programming format is not yet definite, but current plans call for about 28 evening hours of subscription television per week. Daytime programs will be free either on a sustained or a sponsored basis. Among the programs which may be presented for a fee are first-run movies, current Broadway plays, operas and ballets, and special sports events.

FCC Conditions Met

Hartford was chosen as the site of the experiment because of the availability of an existing television facility and because FCC conditions on a pay-television test could be met there. WHCT, because it is an unprofitable UHF station, was purchased at a relatively low cost (under \$1 million). The station is located in a community with several viewable channels, which was one FCC requirement for the pay-TV test area.

The Hartford experiment is the fifth subscription-TV venture in recent years. In 1950, a 90-day trial of another process was conducted in Chicago. The results were inconclusive because of the brevity of the experiment, the small number of homes which participated, restriction of the programming to movies and technical difficulties with the new equipment.

A current experiment in suburban Toronto was preceded by two failures: one in Palm Springs, in 1953-54, and the other in Bartlesville, Okla., in 1957. In both cases transmitted programs were limited to movies (too often of "B" classification) shown to a small group of potential subscribers who were charged relatively high fees.

Proponents of pay-television feel that it offers the only hope for an increase in program quality. They note that if a large audience paid a coin or two per television set, producers could easily meet the costs of an extraordinarily expensive and fine program. Broadway shows could be telecast to mil-

lions without a decline in gross revenue. New plays and operas could be tried out without today's risk of total investment loss. Best of all, the sponsor's influence over programming would cease being harshly and commercially exercised.

Those who are against subscription-television doubt that the medium could operate "half free and half fee." They object that today's family expenses are already too high and that the majority of TV viewers, unable to pay subscription prices, would be deprived of their best programs, which would be switched to pay-TV. Likewise, performers would appear solely in the medium in which pay is highest. And finally, opponents either doubt that TV quality would rise in the long-run or deny that present program quality is too low.

A growing body of middle-of-the-roads accept pay-TV as inevitable, but they hope that a limited sprinkling of advertising, *e. g.* between but not during subscribed-for programs, will help to keep the charge per program at a low level.

This group believes that if the finest programs are not too expensive to watch, and the average program is free or nominally priced, then pay-TV might bring into viewers' homes a few programs worth paying for without the loss of today's programs at today's prices. The Hartford experiment may go far toward determining what kind of television may be expected in the future.

— Freehling

Professor Cox Back At the Law School, Resumes Teaching

Professor Archibald Cox, who moved directly into instruction of his Law School classes upon returning from the presidential campaign on November 15, informed the RECORD last week that he expects to continue teaching law at Harvard in the foreseeable future.

Mr. Cox stated that the speculation by newspapers and magazines that has been placing him in a variety of high offices in the Kennedy administration was merely part of the syndrome of the quadrennial post-election "silly season," when everybody is trying to predict what the new administration will look like.

"Just to show how silly the 'silly season' can be," he observed, "my family informs me that a national magazine had me appointed Chairman of the President's Council of Economic Advisors — and this despite the fact that I have never had a formal course in Economics."

"My job was merely to assist President-elect Kennedy in his campaign. Toward this end I obtained a leave of absence for the beginning of this school year. Now that the campaign is over the leave of absence has also ended, and I fully expect to carry on as Royall Professor of Law."

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Business Management and Patents

Mr. Joseph Weingarten, senior partner in the Boston patent law firm of Weingarten, Orenbuch & Pandiscio, addressed the Harvard Patent Law Club last week on the subject of business management of patents.

Mr. Weingarten pointed out that proper patent protection and management must go hand-in-hand with inventive genius if the work-product of the inventor is to provide him a deserved compensation before passing into the public domain.

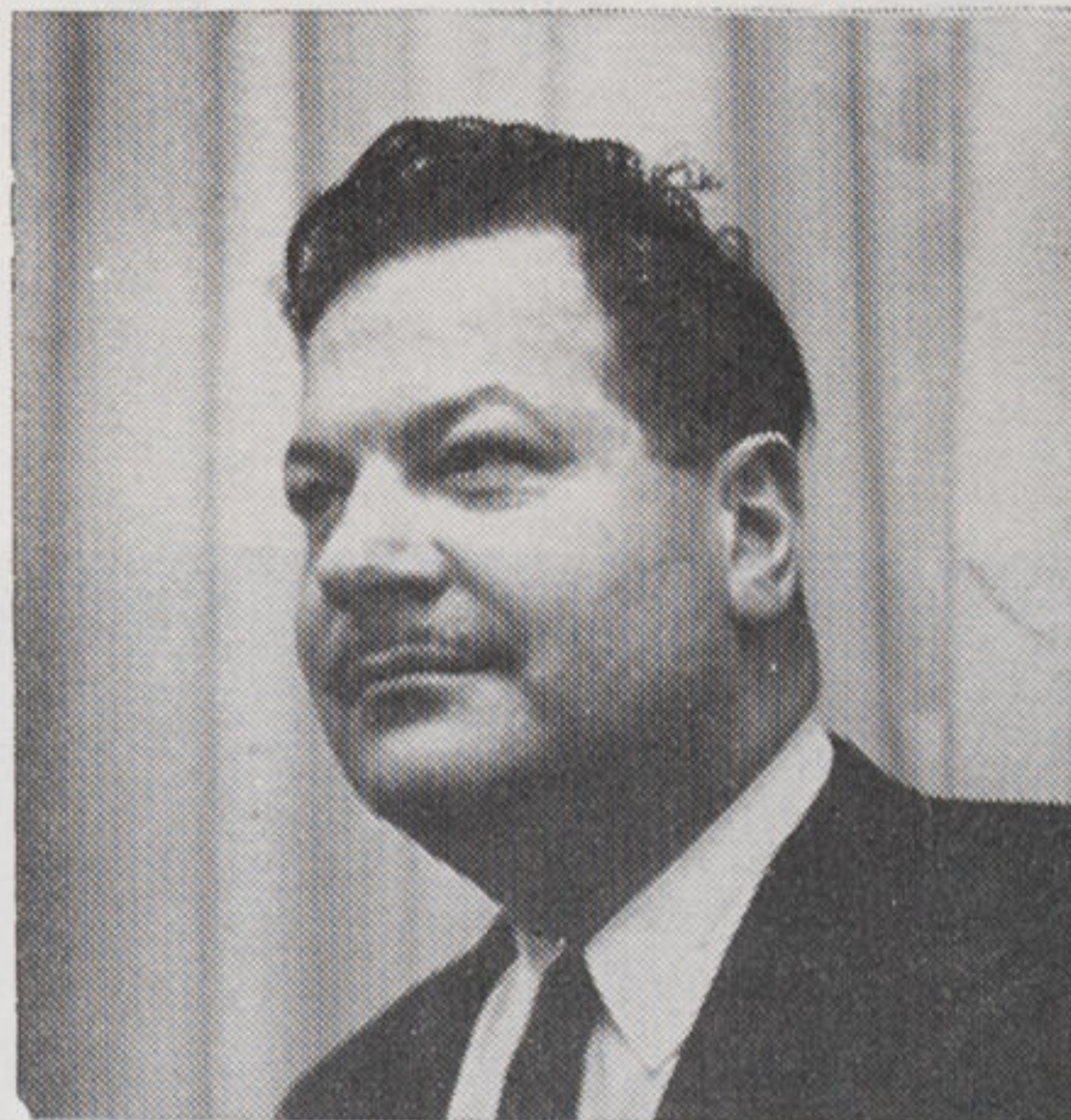
The need for carefully drawn arrangements in the patent field was stressed. In the absence of an agreement to the contrary, the owner of 1% of the patent right is entitled to license a company to produce the invention without the consent of the owner of the other 99%, yet he is not accountable to the other owner for any part of the compensation received.

Likewise, the assignment of one's entire right and interest in a U. S. patent will not by itself transfer any rights the owner may have in foreign patents covering the invention. From these two examples it may be seen that business expectations of negotiators may be defeated unless appropriate contract clauses are provided by the patent attorney.

Two examples of implied licensing were discussed. When one holding both a basic patent on an article and an improvement patent on a modification of the article licenses the improvement patent to another party, then to the extent that utilization of the improvement patent necessarily involves utilization of the basic patent, the licensee of the improvement patent also receives an implied license to use the basic patent as required.

Another implied license occurs when one incidentally invents something while both

working for a company and utilizing the equipment of the company. The company receives a shopright, a non-exclusive, non-transferable license under the patent. Such



Joseph Weingarten

a shopright may seriously diminish the financial value of the patent, as exclusive licenses under the patent cannot be sold.

Mr. Weingarten also discussed typical license agreements and some of the leading cases which limit and control their scope.

— Rosenberg

Record Reminder

The RECORD announces that with the next issue on December 15 publication will cease for the remainder of the semester. It is suggested that organizations planning programs between that date and the beginning of the second semester report those plans by tomorrow so that they receive adequate publication.

I.L.C. Tickets on Sale

Tickets for the Annual International Law Club Christmas Dance are now on sale at the Receptionist's Desk in Langdell Hall and in Mr. Alexander King's office in ILS. Tickets are \$1.25 per person and \$2 per couple.

The dance will be held in Harkness Commons on Sunday, December 18, from 8 to 12 p.m. All law and graduate students are cordially invited to join in the fun.

Lawyers have been known to wrest from reluctant juries triumphant verdicts of acquittal for their clients even when those clients, as often happens, were clearly and unmistakably innocent.

— Oscar Wilde

FEATURES SECTION

Upon a Quest for . . .

The serenity of a Tuesday evening at the Law School was intentionally disrupted a short while ago by the arrival of over 100 (count 'em) Wellesley women. This peaceful invasion was accomplished through the complicity of the Dormitory Council and Wellesley College's classless Wednesdays.



Reeeally Dahling! I declare!

8:20 — An unusually large number of men are observed milling about the bulletin board examining vintage notices self-consciously and passing desultory comments.

8:28 — A few enterprising souls slip into the meeting room before the band arrives, thereby avoiding payment of a nominal charge.

8:40 — Rumor has it that the first contingent has arrived. A number of combs appear in the hands of those fortunate enough to have use for them. Ties are straightened or rakishly tossed over a shoulder, depending upon one's undergraduate background.



8:42 — The advance party enters the Commons resolutely. Well, maybe the next batch will be better!

8:44 — Initial contact is made as the first bold lad inquires whether the modestly blushing lass would like to dance. She seems to be very light on his feet.

9:05 — A commotion occurs at the entrance. A loud voice proclaims that the hand-stamping for identification purposes is unconstitutional, illegal and contrary to public policy. The objector reserves his right of appeal and consents to having an inky reproduction of a hand with pointed finger inscribed upon his flesh.

9:30 — The dance floor is cleared abruptly as the "orchestra" in a moment of rashness plays a merengue. (A what!?!)

10:00 — There has been a notable increase in the number of empty chairs in

.. . *Those Fair, Fair Ladies*

Although the ultimate success of "Operation Mixer" is yet to be tested by the fortitude of those Law School men who will forsake their "most jealous mistress" for the hazards of Route 16, we present a chronological summary of the great event as recorded by our observer in Harkness Commons.



Langdell Library as the population center of the Law School shifts to Harkness. Ames games grind to a halt. "I'll Shepardize it tomorrow."

10:20 — There are now three men for every woman in the room, with the odds steadily increasing. "May I cut in?"

10:47 — The punch supply is dwindling rapidly. No great loss — it was fruit juice, anyway.

11:03 — Over in the far corner a first-year man is holding forth on the sixth issue in his Ames case as his trapped companion nods drowsily.

11:18 — A perspiring foreign student hobbles off the dance floor, a victim of the intricacies of the cha cha.

11:27 — An obviously smitten couple is seen floating towards an exit. He murmurs in her ear — "Come, dear, I'll show you my brief."



Looking, Longing and Lonely

11:43 — It's now or never as a reluctant chino-clad finally decides to ask a seated girl (he has been discreetly watching her for two hours) to dance. To his consternation she turns out to be four inches taller than he.

11:57 — The band finishes with a flourish, prompting a disgruntled dancer to mutter — "They're supposed to play until twelve. Didn't they ever hear of the sanctity of contracts?"

Midnight — The mixer is history. Well, Radcliffe's a lot closer, anyway.
— Amitay

Gallery

One of the leading women at Harvard Law School is Mrs. Abram Chayes, Executive Assistant to Dean Erwin N. Griswold. In the summer of 1960 she also assumed a new responsibility, Advisor to Women Students at the Law School.

Mrs. Chayes received her B.A. degree at Radcliffe College, attended Yale Law School and received her LL.B. degree from George Washington Law School while her husband, Professor Chayes, was clerking for Justice Frankfurter. Although married and the mother of two young children, she then practiced law part-time with a small law firm in Washington, D. C. for about two years. Of part-time work she says, "You do everything badly, but it is still worth it."

Even so, multiple responsibilities do not seem to be a drawback to Mrs. Chayes. She is now the mother of three children—two girls and a boy—and is the holder of two responsible positions at the Law School.

Three Categories

In speaking of her new post as advisor, she divides it into three categories: encouraging pre-law women students, advising those women now in the School and helping the latter find good positions after graduation.

In the first category, she feels that more work should be done in finding the best possible law school candidates and pointing out the rewarding field which law can be. She feels there are many girls who go on to do graduate work in other fields who would make excellent lawyers. They are the ones upon whom Harvard and other law schools should focus more attention.

Although a woman coming to law school must make many compromises, Mrs. Chayes feels the woman lawyer probably will find that a nicely balanced life as a wife, mother and lawyer can be very rewarding.

Women in Law School

Of the women now in the Law School, Mrs. Chayes says they are "one of the most impressive groups of women I've ever come across." They do not need much advice, as they are "very well-adjusted, purposeful and

intelligent." Although she feels that the girls are quite self-sufficient, Mrs. Chayes stressed that she is available to help them in any way. She has been concerned with the fact that the recreational facilities are inadequate, since the girls are not able to use the Radcliffe athletic facilities.

In regard to placement after law school, Mrs. Chayes said that she would like to help. She has kept in contact with some of the women who were graduated from law school with her and is thus able to ferret out job opportunities in certain cities and lines. There is a good network of communication among women lawyers, she commented. In addition, there are more and more jobs open-



Mrs. Chayes

ing up in government, which has always been more receptive to women.

Mrs. Chayes feels that one of the most satisfying aspects of her new job is that "most of the women students seem comfortable and well integrated into law life." She believes that in the years since she has attended law school there has been a change in attitude toward women in law school. "They are accepted, and they accept."

—Lois Shepard

Recent Books

By Robert C. Berry

THE WORLD OF LAW. Vol. I, The Law in Literature. Vol. II, The Law as Literature. Edited by Ephraim London. Simon and Schuster, New York, N. Y., 1960.

A world of law is a big place, particularly where the substance to be supplied is the law as it appears both in and as a part of literature. Although a crowded bookcase would hardly satisfy the undertaking, Ephraim London has edited a two volume compilation of writings that nevertheless goes far in brilliantly describing a world of law that is also literature.

What comprises this world of law? Or, sticking to the work's title, what comprises *the* world of law? What is contained in these two volumes does not attempt to answer this as such, but it does infuse certain feelings and pictures about the law that are pervasive by the sheer weight of their individual capacities. What is proffered is a wealth of comment and considerations by some of the world's most salient and observant pens.

These writings set the law in a light that is often penetratingly severe. Though this light is not always flattering, it is surely beneficial in the final analysis. These selections do not explain how the law operates in any great sense, but they do point to specifics.

To many it must seem that the law in its everyday trappings is a pretty humdrum affair. They see lawyers arguing against other lawyers, and judges, themselves lawyers, somehow sitting as the third and swinging weight of an enclosed, self-contained, inbred triangle. Save for the parties involved, this is tedium and mystery, and even the parties involved can do little but sit on the sidelines, wonderingly confused.

Then comes a time when circumstances set this asunder. Some crucial consideration arises that is within the law's province. At this time the law steps into another light, and the glimmer becomes incandescent.

What this produces may be any of many things, good or bad. When it is good, it can be very good. It may be a strong and telling judicial pronouncement, such as the Holmes opinion in *Buck v. Bell*. Or it may be outstanding advocacy: witness Robert H. Jackson's closing address at the Nuremberg trial. Then again, it may be testimony by a witness or an accused: for example, Joan of Arc's classic answers to charges of her alleged heresies and witchcraft.

Whatever it is, in each of these cases the law has also become literature. And whether such monuments are approached as literature or law, they enjoy their finest hour under either scrutiny.

In Literature

Volume I of this work is "The Law in Literature." It has been divided into two parts: writings on cases and trials in fiction and general comments, mostly fictional, on lawyers, judges, jurors and witnesses.

Although many of these selections point to the law's prowess and potentialities, others are not so kind. These latter stroke sharply and critically, some with tongue in cheek, others with venom.

The single most unrelenting observation is the Dickens selection from *Bleak House*. It is tart, satirical and acid. Hardly does it begin before it declares:

Never can there come fog too thick, never can there come mud and mire too deep, to assort with the groping and floundering condition which this High Court of Chancery, most pestilent of hoary sinners, holds, this day, in the sight of heaven and earth.

This is strong stuff, but then Dickens was never noted for his timidity. In this volume he has company. More lightly clothed, perhaps, but still smartly tailored is such as A. A. Milne's "The Barrister." And joining them, but choosing its own medium, is the poignant Pirandello vignette, "Sicilian Honor."

These are but the lead-off men of an impressive line-up. In between, or perhaps bursting beyond Dickens or Milne or Pirandello, appear the others — Cervantes, de Maupassant, Jack London, Chekhov, Galsworthy, Frank O'Connor, Herman Wouk, Mark Twain, Faulkner, Somerset Maugham, O. Henry, Rabelais and so on.

As Literature

Volume II is "The Law as Literature." The shift in emphasis from the first volume is slight. It is ascertainable, but how significant it is is another question. Some may feel this second volume approaches the law more as it is, as it has actually weathered specific situations. This is true enough, but it is only

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slightly important for the purposes of this work.

In the final analysis, both volumes are concerned with law and literature that have become as one; and whether one begins with literature that reaches into a legal situation for material, or whether one considers the law as it has become literature, it is the same under the light and scope of these works.

The basic division of this second volume is three-fold. It includes accounts of notable and notorious cases, certain testimonies and arguments that, recorded, are of literary status and judgments, observations and reflections on the law.

Selections

Here, as in the first volume, the editor has literally the world to pick from, the world of law. Some, particularly lawyers, may disagree at points with Mr. London's particular selections; but surely there can be little argument that the best of Holmes, Cardozo, Frankfurter, Brandeis, Hand and Jackson deserve inclusion.

Indeed, under this light, differing as it does from that which usually focuses on them, such masterpieces as *The Path of the Law*, *The Nature of the Judicial Process*, *The Case of Sacco and Vanzetti*, Hand's opinion in *Schmidt v. United States* and Brandeis concurring in *Whitney v. California* assume new and glowing proportions.

It is also heartening to see in this volume the inclusion of a Harvard favorite, Lon L. Fuller's "The Case of the Speluncean Explorers." Newgarth and the year 4300 and the consumed Roger Whetmore read well as literature.

It should not be thought, however, that this second volume is the sole domain of the lawyer and the judge. Outsiders have their say as well. Writers ranging from Gandhi to H. L. Mencken, from Plato to Damon Runyon, from Emile Zola to Oscar Wilde to Rebecca West to Montaigne all lavish their talents on recording a notable trial, particularly fine testimony or simply individual observations on the law. Without a doubt, one of the highlights of this second volume is a selection written by a non-lawyer. Albert Camus's "Reflections on the Guillotine" is as fine a presentation of the arguments against capital punishment as will be found anywhere.

There is no one way to consider these volumes. But in approaching them, it surely should not be done in one or two voracious gulps. They merit leisurely consumption and thoughtful digestion.

"The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges," stated Anatole France. This cryptic statement can be taken for whatever of truth or satire or sense the reader wishes to derive. So it is with the writings in general. The substance is there, just for the digging.

"When I hear a man talk of unalterable law," said Sidney Smith, "the effect it produces on me is to convince me that he is an unalterable fool."

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Sohn Returns From Moscow

Prof. Louis B. Sohn of the Law School has been in Moscow for two weeks attending an academic conference on the problems of disarmament and world security. He left two weeks ago for the nine day meeting and expected to be back in Cambridge today.

This discussion and presentation of papers, which was called by the Soviet Academy of Science, was originally intended just for scientists. Prof. Sohn was invited to join the American delegation several weeks ago when it was learned that the Russians planned to include a lawyer and two economists in their group. The main body of the

conference, which also includes representatives of eight European nations, is made up of scientists interested in the field of arms control.

The American scientists include two professors from Harvard College, Professor of Chemistry Paul Doty and Professor of Biological Chemistry John Edsall. The group attending from Great Britain includes 1958 Nobel Prize winner Phillip Noel-Baker.

Originally the meeting had been scheduled for September, but it was postponed for several months because of the rise in cold war tensions during the early fall.

Letters to the Editor

To the Editor:

The hospitality which we show the foreign students here is shamefully deficient.

Like the weather, everybody talks about the world situation, but nobody does anything about it.

Unlike the weather, something can be done. One measure is to exchange students. In accordance with this idea, distinguished men have left homes in Argentina, Belgium, Ghana, Ceylon, Japan, have traveled long distances and have come to the Harvard Law School. What has greeted them here? Indifference, massive indifference, indifference which reduces the whole exchange program to about five per cent efficiency.

It seems that the easy part is in getting from Indonesia to Cambridge; the real barrier awaits upon arrival. In many cases, the foreign student's own shyness (often coupled with a formidable language handicap) combines with our inhospitable indifference to produce a fruitless, even unpleasant, experi-

ence for him. The few friends he makes are among his fellow exchange students (look around the dining room to confirm this). The impressions he carries home are mixed, but he certainly is not sad to leave.

This situation should be improved immediately. Suggestions which occur are:

1. Students should go out of their way to introduce themselves to exchange students, overcoming the latters' shyness with some active hospitality.

2. Where language is a problem, English should be spoken slowly and clearly and care taken that the nodding listener really understands what is being said.

3. Students ought to make at least one substantial gesture of hospitality to one exchange student, inviting him to one's home, to a hockey game, on a double-date, etc.

I believe that any effort in this direction is *greatly* appreciated by the visiting student and repays

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To the Editors:

Like many an old grad of the Law School ('54), I was recently relaxing and browsing through the October 20 edition of the RECORD, performing the happy function of enjoying myself and improving my mind by reading Mr. Libbey's article entitled "Specialist as a Broker's Broker."

I had almost reached the end of the last paragraph when I discovered a deliberate affront to the undersigned member of the illustrious class of 1954, as well as to a colleague and friend, one Hugh Rogovin of the class of 1956. Both of us are presently earning our keep, devoting our all, etc., to a grand and glorious organization known as Stop & Shop Supermarkets.

You can imagine my shock, surprise and chagrin when I found that payola had finally reached the hallowed halls of Harvard Law School. I am referring, of course, to that heretical sentence and I

quote, "Occasionally, though, someone may set up as an independent, but this is rather like opening a store next to the A & P."

I don't know anything about setting up as an independent specialist; however, I must respectfully call to your attention the fact that we have on occasion opened up next door to or across the street from, or at least within the trading area of such renowned organizations as the Great Atlantic and Pacific Tea Company, and have managed to pay a profit, as well as the gigantic salaries of Messrs. Rogovin and the undersigned. Now it is possible that, if the food is as bad as it

used to be at the Law School, the Editors of the RECORD have felt that a slight compromise of principle was worth a truckload of foodola. However, I sincerely and strongly condemn such surrender of the high principles of Scott, Seavey and other great S & S professors...

Your obedient servant,
Avram J. Goldberg

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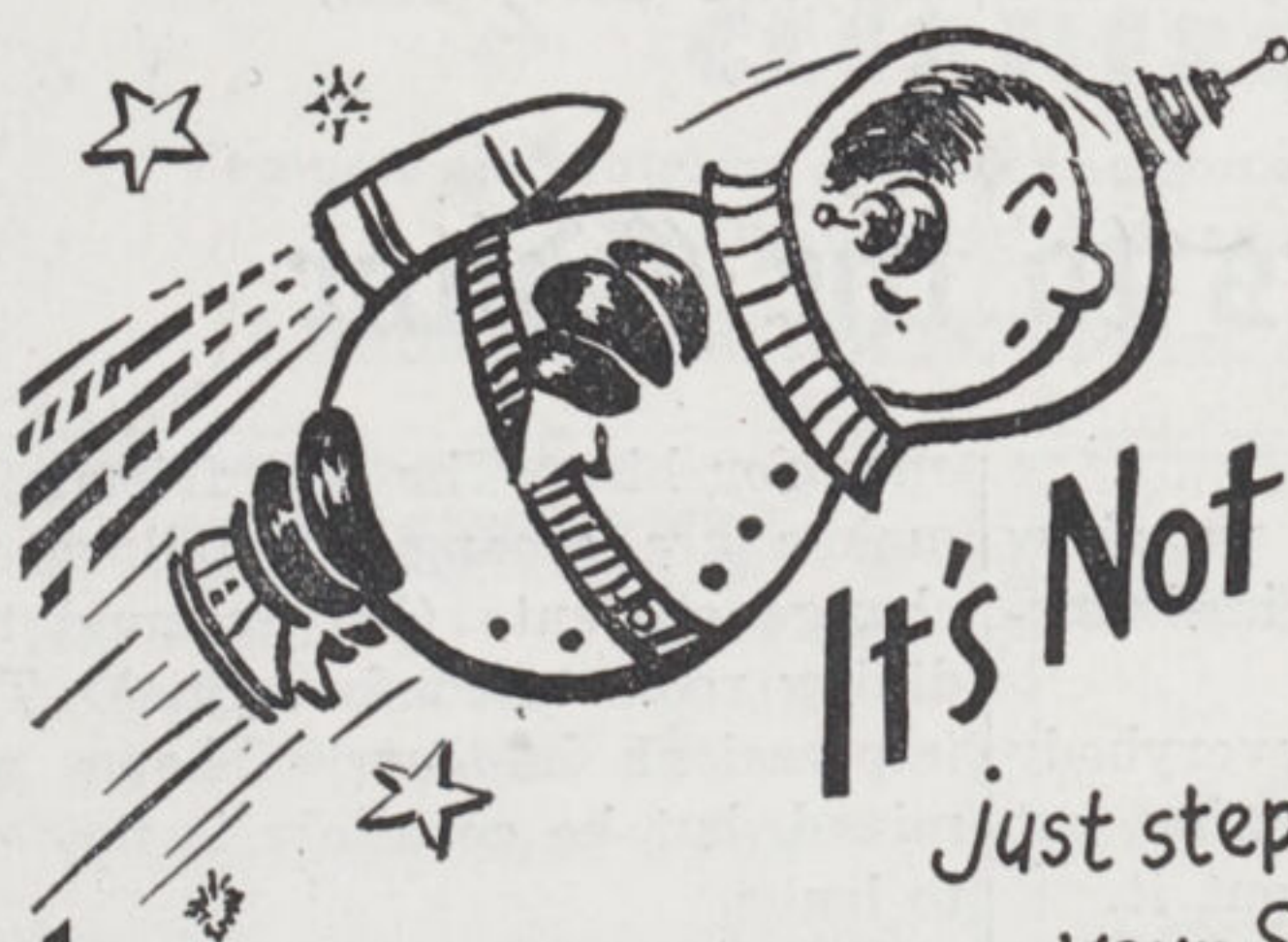
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